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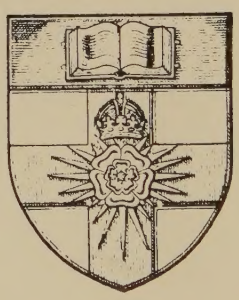

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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

PASSED IN THE

THIRTY-SECOND AND THIRTY-THIRD YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

At the Parliament begun and holden at Westminster, the Tenth Day of December, *Anno Domini* 1868, in the Thirty-second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith:

Being the FIRST SESSION of the TWENTIETH PARLIAMENT of the United Kingdom of GREAT BRITAIN AND IRELAND.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1869.

BIBL. LONDIN. UNIV.

A TABLE

OF

ALL THE STATUTES PASSED IN THE FIRST SESSION OF THE TWENTIETH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

32 & 33 VICTORIA.—A.D. 1869.

PUBLIC GENERAL ACTS.

1. AN Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and sixty-eight, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy.

2. An Act for repealing the Act of the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-two.

3. An Act to enable Lord Napier of Magdala to receive the full benefit of the Salary of Member of Council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an Annuity granted to him under the Act thirty-one and thirty-two Victoria, chapter ninety-one.

4. An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

5. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

6. An Act to repeal so much of The Regulation of Railways Act, 1868, as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies.

7. An Act for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company, and for other purposes connected therewith.

8. An Act to apply the sum of seventeen million one hundred thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy.

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9. An Act to amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same.

10. An Act for authorizing the removal of Prisoners from one Colony to another for the purposes of Punishment.

11. An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions.

12. An Act for Protection of Naval Stores.

13. An Act for amending the Law relating to the Militia.

14. An Act to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

15. An Act to remove doubts as to the qualification of persons holding Civil Service Pensions, or receiving Superannuation Allowances, to sit in Parliament.

16. An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania.

17. An Act for the Preservation of Sea Birds.

18. An Act to amend the Lands Clauses Consolidation Act.

19. An Act for amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries.

20. An Act to remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford.

21. An Act to amend the law relating to the Payment of the Expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament.

22. An Act for raising the sum of two million three hundred thousand pounds by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy.

23. An Act to extend the Power of Recorders to appoint Deputies in certain cases.

24. An Act to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms.

25. An Act to amend the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter eighty-three, section nine, by extending the age at which orphan and deserted children may be kept out at nurse.

26. An Act to extend to Burial Grounds the Provisions of the Act of the thirteenth and fourteenth years of Her Majesty, chapter twenty-eight, intituled "An Act to render more simple and effectual the "Titles by which Congregations and Societies for Purposes of Reli-"gious Worship or Education in England and Ireland hold Property "for such Purposes."

27. An Act to amend the law for licensing Beerhouses, and to make certain alterations with respect to the Sale by retail of Beer, Cider, and Wine.

28. An Act to afford facilities for the Establishment and Maintenance of public Parks in Ireland.

29. An Act to render valid certain Title Deeds for Inam Lands.

30. An Act to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill.

31. An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Langston, and to amend the forty-fifth section of The Sea Fisheries Act, 1868.

32. An Act to provide for the Commutation of Pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services.

33. An Act to provide for the Collection of Judicial Statistics in Scotland.

34. An Act to amend the Law concerning the appointment of Deputies by Stipendiary Magistrates.

35. An Act to amend "The Prisons (Scotland) Administration Act, 1860."

36. An Act to amend the Court of Session Act, 1868, in so far as the exemption of Lighthouse Keepers and their assistants from serving on Juries is thereby abolished.

37. An Act to authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein.

38. An Act to facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal.

39. An Act to make provision for the better government and administration of Hospitals and other endowed institutions in Scotland.

40. An Act to exempt from rating Sunday and Ragged Schools.

41. An Act for amending the Law with respect to the rating of Occupiers for short terms, and the making and collecting of the Poor's Rate.

42. An Act to put an end to the Establishment of the Church of Ireland, and to make provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth.

43. An Act to provide for the payment of Diplomatic Salaries, Allowances, and Pensions.

44. An Act to make better provision respecting Greenwich Hospital, and the application of the revenues thereof.

45. An Act to amend the Law relating to the Repayment of Loans to Poor Law Unions.

46. An Act to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons.

47. An Act to provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions.

48. An Act to amend The Companies Clauses Act, 1863.

49. An Act to enable Local Authorities to collect Fines and Fees by means of Stamps.

50. An Act to provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland.

51. An Act to amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes.

52. An Act for the Amendment of "The Shipping Dues Exemption Act, 1867."

53. An Act to amend the Cinque Ports Act.

54. An Act to amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland."

55. An Act to shorten the Term of Residence required as a Qualification for the Municipal Franchise, and to make provision for other purposes.

56. An Act to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

57. An Act to amend the Law relating to the Protection of Seamen's Clothing and Property.

58. An Act for amending the Public Schools Act, 1868.

59. An Act to amend the Laws relating to the Investments for Savings Banks and Post Office Savings Banks.

60. An Act to alter and amend the Acts enabling Her Majesty to grant Pensions to persons having held certain high civil offices.

61. An Act to protect the Funds of Trades Unions from Embezzlement and Misappropriation.

62. An Act for the Abolition of Imprisonment for Debt, for the punishment of fraudulent debtors, and for other purposes.

63. An Act to amend The Metropolitan Poor Act, 1867.

64. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes.

65. An Act for appointing Commissioners to inquire into the existence of corrupt Practices amongst the Freemen Electors of the city of Dublin.

66. An Act to continue and amend an Act to defray the charge of the Pay, Clothing, and contingent and other expenses of the Disembodied Militia in Great Britain and Ireland; to grant allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the employment of the Non-commissioned Officers.

67. An Act to provide for Uniformity in the Assessment of Rateable Property in the Metropolis.

68. An Act for the further Amendment of the Law of Evidence.

69. An Act to provide for the better Liquidation of certain Loans raised under the guarantee of Her Majesty for the service of the colony of Jamaica.

70. An Act to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of Contagious or Infectious Diseases among Cattle and other Animals in Great Britain.

71. An Act to consolidate and amend the Law of Bankruptcy.

72. An Act to amend "The Drainage and Improvement of Lands (Ireland) Act, 1863," and to afford further facilities for the purposes thereof.

73. An Act to alter and amend "The Telegraph Act, 1868."

74. An Act to extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public trusts.

75. An Act to regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade, and for other purposes relating thereto.

76. An Act for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced.

77. An Act for making better provision for the erection of a Light-house on the Great Basses Rock in the Colony of Ceylon, and for other purposes connected therewith.

78. An Act to amend the Law relating to Criminal Lunatics.

79. An Act to enable Corporate and other Public Bodies in Ireland to grant Superannuation Allowances to Officers in their Service in certain cases.

80. An Act to amend "The Militia (Ireland) Act, 1854," as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied.

81. An Act to amend the Volunteer Act, 1863.

82. An Act to amend the Metropolitan Building Act, 1855.

83. An Act to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal Enactments relating to Insolvency, Bankruptcy, Imprisonment for Debt, and matters connected therewith.

84. An Act to abolish the office of Cursitor of the Court of Chancery in the palatine of Durham.

85. An Act to continue various expiring Laws.

86. An Act to amend the Law relating to the Presentation of Accounts, Statements, Returns, and Documents to Parliament.

87. An Act to provide for the prevention of Gaming in public places in Scotland.

88. An Act for the separation of the Straits Settlements from the Diocese of Calcutta.

89. An Act to amend the Law relating to the office of Clerk of Assize and offices united thereto, and to certain Fees upon Orders for payment of witnesses in criminal proceedings.

90. An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads.

91. An Act for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England.

92. An Act to amend the Laws relating to the Fisheries of Ireland.

93. An Act to apply a sum out of the Consolidated Fund and the Surplus of Ways and Means to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy, and to appropriate the Supplies granted in this Session of Parliament.

94. An Act to amend the New Parishes Acts and Church Building Acts.

95. An Act to enable Military Offenders to be confined in Millbank Prison.

96. An Act to amend the Contagious Diseases Act, 1866.

97. An Act to amend in certain respects the Act for the better Government of India.

98. An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations for certain purposes.

99. An Act for the more effectual Prevention of Crime.

100. An Act to facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes.

101. An Act for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land.

102. An Act for making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith.

103. An Act to amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue.

104. An Act for facilitating the Payment of Dividends on the Public Stocks, and for making regulations with respect thereto.

105. An Act for empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the harbour of Galle in the colony of Ceylon.

106. An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

107. An Act to amend The Metropolitan Commons Act, 1866.

108. An Act to amend "The Sanitary Act, 1866," so far as the same relates to Ireland.

109. An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act "to vest in the two Universities the presentations of benefices be- "longing to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence.

110. An Act for amending the Charitable Trusts Acts.

111. An Act for the relief of Archbishops and Bishops when incapacitated by infirmity.

112. An Act to prevent the Adulteration of Seeds.

113. An Act to prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine.

114. An Act to amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies.

115. An Act for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District.

116. An Act to amend "The Titles to Land Consolidation (Scotland) Act, 1868."

117. An Act to amend "The Pharmacy Act, 1868."

The Acts contained in the following List, being Public Acts of a Local Character, are placed amongst the Local and Personal Acts.

lix. An Act to confirm a scheme under "The Metropolitan Commons Act, 1866."

lx. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

lxx. An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Donibristle (Firth of Forth) and the Holy Loch (Firth of Clyde).

lxxi. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Clifftonville, Gillingham, Rosslare, Saint Just, Fowey, and Padstow.

cxxiii. An Act to confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex.

cxxiv. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Lochdale, Ryde, and Worthing; and for other purposes relative to certain diatricts under that Act.

cxlix. An Act to confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

cl. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Aberystwith, Ashton-under-Lyne, Bath, Cleckheaton, Crompton, Newport (Monmouthshire), Reading, Southport, Stalybridge, and Weston-super-Mare.

clviii. An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Broughty Ferry.

clix. An Act to authorize the inclosure of certain lands in pursuance of a report of the Inclosure Commissioners for England and Wales.

LOCAL AND PRIVATE ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

i. AN Act to enable the Company of Proprietors of the West Middlesex Waterworks to raise a further sum of money; and for other purposes.

ii. An Act for better supplying with Water Brymbo and places adjacent in the county of Denbigh.

iii. An Act to amend the Acts relating to the London Necropolis and National Mausoleum Company; and for other purposes.

iv. An Act to authorize the Company of Proprietors of Lambeth Waterworks to raise further Money; and for other purposes.

v. An Act for making a Railway from the East Lincolnshire line of the Great Northern Railway at Firsby to the town of Wainfleet All Saints, in the parts of Lindsey in the county of Lincoln; and for other purposes.

vi. An Act to enable the Crystal Palace Company to grant leases of certain portions of their land.

vii. An Act to alter and enlarge some of the powers of the Rock Life Assurance Company, and for other purposes.

viii. An Act for altering the vestry of the parish of Saint Giles Without Cripplegate within the liberties of the city of London, and for other purposes.

ix. An Act to amend "The Redheugh Bridge Act, 1866."

x. An Act to confer powers upon the Corporation of Grimsby as to the West Marshes, and the construction of a bridge over the Old Dock, and of other works at Grimsby; and for other purposes.

xi. An Act to authorize the Mayor, Aldermen, and Burgesses of the borough of Leeds to improve the streets and becks, and to make other improvements in the said borough; and for other purposes.

xii. An Act for making better provision for the repair and improvement of Great Tower Hill; and for other purposes.

xiii. An Act to confirm a Working Agreement between the Dublin and Meath Railway Company and the Midland Great Western Railway of Ireland Company; and for other purposes.

xiv. An Act to transfer the Harbour of Workington from the trustees thereof to the Right Honourable William Earl of Lonsdale; to authorize the improvement and extension of that harbour; and for other purposes.

xv. An Act for dissolving the Ilkley Gas Company (Limited) and re-incorporating the proprietors therein with others, and to give them further powers for supplying gas to Ilkley and the neighbourhood in the West Riding of the county of York; and for other purposes.

xvi. An Act to subdivide the shares of the Imperial (Fire) Insurance Company, and for other purposes with respect to the future management of the same Company.

xvii. An Act to sanction certain proceedings of the Harrogate Waterworks Company with reference to the construction of works and the raising of money, and to empower them to construct additional works and to raise further money; and for other purposes.

xviii. An Act to consolidate, define, and regulate the Capital of the South Devon Railway Company; and for other purposes.

xix. An Act for making provision for the execution of the London Coal and Wine Duties Continuance Act, 1868, as far as it relates to the freeing from Toll of the following Bridges on the Thames; namely, Kew, Kingston-upon-Thames, Hampton Court, Walton-upon-Thames, and Staines; and Chingford Bridge and Tottenham Mills Bridges on the Lee; and for other purposes.

xx. An Act for authorizing the Mayor and Commonalty and Citizens of the City of London to raise a further sum of Money for the completion of the Holborn Valley Viaduct, and the streets and works connected therewith.

xxi. An Act for making a railway from the Great Southern and Western Railway in the parish of Fermoy in the county of Cork to Lismore in the county of Waterford; and for other purposes.

xxii. An Act to enable the West Ham Gas Company to increase their Capital, and for other purposes with respect to the same Company.

xxiii. An Act to alter the constitution of University College, London, and for other purposes relating to the said College.

xxiv. An Act to enable the Parochial Board of the Parish of Edinburgh, and the Trustees of the Estate of Craiglockhart for behoof of said board, to obtain from the Edinburgh Water Company a supply of Water for the New Poorhouse, and other buildings in connexion therewith, erected or to be erected on the lands of Craiglockhart.

xxv. An Act for dissolving the Manchester and Stockport Railway Company, and transferring their undertaking to the Manchester, Sheffield, and Lincolnshire and Midland Railway Companies jointly; and for empowering the two last-mentioned companies jointly to make a short branch railway out of the Stockport and Woodley

Junction Railway; and for authorizing a joint ownership by those two companies of the Newton and Compstall Railway and the Marple New Mills and Hayfield Junction Railway; and for granting running powers to the Midland Railway Company over parts of the Manchester, Sheffield, and Lincolnshire Railway; and for other purposes.

xxvi. An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to acquire additional lands at Great Grimsby, in the county of Lincoln.

xxvii. An Act for empowering the Local Board of Melton Mowbray, in the county of Leicester, to provide a Cattle Market; and for conferring other powers on the Local Board; and for other purposes.

xxviii. An Act to authorize the Kent Coast Railway Company to provide for the payment of their mortgages by means of redeemable debenture stock.

xxix. An Act for effecting an Arrangement with respect to the mortgage and other Debts of the Enniskillen, Bundoran, and Sligo Railway Company; and for other purposes.

xxx. An Act to make provision respecting the use of Subways under the management of the Commissioners of Sewers of the City of London and the liberties thereof; and for other purposes.

xxxi. An Act to authorize the Great Yarmouth Waterworks Company to raise more Money, and for the Prevention of Waste and Misuse of the Company's Water; and for other purposes.

xxxii. An Act for authorizing the Water Trust of Greenock to raise further Money; and for amending the provisions of the Acts relating to the Trust; and for other purposes.

xxxiii. An Act for authorizing the Dumbarton Water Commissioners to make and maintain an additional storage reservoir and other works, and to give an increased supply of water; for dividing the Burgh of Dumbarton into wards; and for other purposes.

xxxiv. An Act to enable the West Somerset Mineral Railway Company to enter into a working agreement with and to grant a lease of their undertaking to the Ebbw Vale Steel Iron and Coal Company, limited; and for other purposes connected with their undertaking.

xxxv. An Act to extend the time for the purchase of lands and for the completion of the Hounslow and Metropolitan Railway.

xxxvi. An Act for incorporating and granting further powers to the Cleckheaton Gas Company.

xxxvii. An Act to authorize "The Radcliffe and Pilkington Gas Company" to raise further monies by shares and by borrowing.

xxxviii. An Act for enlarging the powers of the Consett Waterworks Company.

xxxix. An Act for better supplying with Gas the parish of Waltham Holy Cross in the county of Essex and the parish of Cheshunt in the county of Hertford; and for other purposes.

xl. An Act to authorize the King's Lynn Docks and Railway Company to connect their undertaking with the railways at King's Lynn, to change the name of the company, and for other purposes with relation to the company.

xli. An Act for altering and enlarging the powers of the Launceston and South Devon Railway Company for raising money, and for vesting their undertaking in the South Devon Railway Company; and for other purposes.

xlii. An Act for incorporating the Shotley Bridge and Consett District Gas Company; for enabling them to supply gas to parts of the parishes of Lanchester in the county of Durham, and Shotley in the county of Northumberland; and for other purposes.

xliii. An Act for dissolving and re-incorporating the Darwen Water-works and Reservoirs Company, and for enabling them to execute additional works and raise further capital; and for other purposes.

xliv. An Act to extend the time limited for the completion of the Bridge and other works authorized by "The Albert Bridge Act, 1864," and for other purposes.

xlv. An Act to provide for the disposition of the Workhouse Fund of the parish of Saint Martin-in-the-Fields in the county of Middlesex.

xlvi. An Act to incorporate Commissioners, and to vest in them the undertaking of the Dundee Water Company; and for other purposes.

xlvii. An Act for making a Railway from Stony Stratford in the county of Buckingham to the Wolverton station of the London and North-western Railway Company; and for other purposes.

xlviii. An Act to vest the Glasgow, Paisley, and Johnstone Canal in the Glasgow and South-western Railway Company, and to enable that company to guarantee the payment of dividends upon a portion of the share capital of the Greenock and Ayrshire Railway Company; and for other purposes.

xlix. An Act for supplying with water the townships of Undermillbeck, Applethwaite, and Troutbeck in the parish of Windermere in the county of Westmorland, and for conferring powers for that purpose on the Windermere District Gas Company; and for other purposes.

l. An Act for supplying Bishops Stortford in the county of Hertford with water.

li. An Act for better supplying with Gas and Water the town of Bridgend and neighbourhood in the county of Glamorgan, and for other purposes.

lii. An Act to enable the Midland Great Western Railway (of Ireland) Company to raise further Monies by borrowing.

liii. An Act for extending the time for the compulsory purchase of lands for, and for the completion of the authorized Railway of the London and South-western Railway Company from Bideford to Great Torrington.

liv. An Act to alter and extend the powers of the Accrington Gas and Waterworks Company in relation to their Waterworks; and for other purposes.

lv. An Act to enable the Spalding Waterworks Company to extend their works; and for other purposes with relation to the same company.

lvi. An Act to extend the time for the purchase of lands and for the construction of the works authorized by "The Lymington Harbour and Docks Act, 1864."

lvii. An Act to extend the time for the purchase of lands and for the construction of the works authorized by The Medway Docks Act, 1866.

lviii. An Act to transfer to and vest in the Corporation of Glasgow the undertakings of the Glasgow Gaslight Company and the City and Suburban Gas Company of Glasgow, and for other purposes.

P. lix. An Act to confirm a scheme under "The Metropolitan Commons Act, 1866."

P. lx. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

lxi. An Act for abandonment of the extension railways authorized by the Llynvi Valley Railway Act, 1866, and for extension of the times limited for purchase of lands and completion of works under that Act and the Ogmore Valley Railways Act, 1866, and for making better provision for application of capital and payment of debts of the Llynvi and Ogmore Railway Company; and for other purposes.

lxii. An Act to grant further powers to the Metropolitan District Railway Company.

lxiii. An Act to confer further powers upon the Great Western and the Bristol and Exeter Railway Companies with respect to the Bristol Harbour Railway and Depôt, and for other purposes.

lxiv. An Act to incorporate a Company to be called "The Barnstaple Gas Company;" to provide for the lighting of the town and parish of Barnstaple and adjoining places; and for other purposes.

lxv. An Act to authorize the construction of a bridge over the river Crouch in Essex, to be called "The Cricksea Bridge."

lxvi. An Act to authorize the Local Board of Oswaldtwistle, in the parish of Whalley, in the county of Lancaster to make and supply Gas, and to confer various powers upon the said Local Board in reference to gas, water, and street improvements; and for other purposes.

lxvii. An Act for discontinuing the Chapelry District or new Parish of All Saints, Bishopsgate, in the city of London, as a separate district; for authorizing the appropriation of certain land in that district (provided by the Great Eastern Railway Company for a new Church in substitution of the existing Church), as sites for a Curate's Residence for the parish of Saint Botolph Without, Bishopsgate, and for Schools in lieu of the present Bishopsgate Ward Schools, and for a School Chapel; and for the regulation and management of such new Schools and School Chapel, and for authorizing certain monies to be applied in building the same; and for other purposes.

lxviii. An Act for conferring further powers upon the Pontefract Park Trustees and the Pontefract Street Commissioners respectively.

lxix. An Act to extend the Edgware, Highgate, and London Railway to Harrow.

P. lxx. An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Donibristle (Firth of Forth), and the Holy Loch (Firth of Clyde).

P. lxxi. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Rosslare, Saint Just, Fowey, and Padstow.

lxxii. An Act for the amalgamation of the Surrey and Sussex Junction Railway Company with the London, Brighton, and South Coast Railway Company; and for other purposes.

lxxiii. An Act for the better regulation of the Harbour of Porthleven in Mount's Bay in the county of Cornwall, and for other purposes.

lxxiv. An Act for extending the boundaries of the Borough of Stockton, and for consolidating and amending the Acts in force in the Borough in relation to the management and improvement of Streets, and to Sewerage, and to Buildings, and to Police and other matters of local government; and for other purposes.

lxxv. An Act for conferring further power on the Buckfastleigh, Totnes, and South Devon Railway Company with reference to their authorized capital.

lxxvi. An Act to enlarge the powers of the Llanelly Railway and Dock Company, and for other purposes.

lxxvii. An Act to authorize the sale of Saint James' Chapel, Hampstead Road, and the utilization of the residue of the property adjoining thereto, for the benefit of the parish of Saint James', Westminster; and for other purposes.

lxxviii. An Act to extend the time for the purchase of lands for and for the construction of certain branch railways authorized by the Lancashire and Yorkshire Railway (West Riding Branches, &c.) Act, 1866; to authorize the abandonment of a junction railway authorized by that Act; to confer further powers on the Lancashire and Yorkshire Railway and the London and North-western Railway Companies with respect to certain undertakings vested in them jointly; and for other purposes.

lxxix. An Act to amend the "Ross Improvement Act, 1865."

lxxx. An Act for authorizing the Scinde Railway Company to amalgamate their several undertakings, and to make further agreements with the Secretary of State in Council of India; and for other purposes.

lxxxi. An Act to confer further powers on the City of Glasgow Union Railway Company, the Glasgow and South-western Railway Company, and the North British Railway Company.

lxxxii. An Act for amending the Hartlepool Port and Harbour Act, 1855; for abandoning part of the works by that Act authorized; for the construction of other works; for the improvement and regulation of the Port and Harbour of Hartlepool; and for other purposes.

lxxxiii. An Act for conferring additional powers on the Midland Railway Company for the construction of new works; for extending the periods for the purchase of certain lands and for the construction of certain authorized railways; and for other purposes.

lxxxiv. An Act for dissolving and re-incorporating the Proprietors of "The Maryport Gaslight Company (Limited);" and for other purposes.

lxxxv. An Act for the formation and improvement of Clontarf Township, comprising the Districts of Clontarf, Dollymount, and Ballybough, in the Barony of Coolock and county of Dublin.

lxxxvi. An Act for conferring further powers upon and for amending the Acts relating to the London and South-western Railway Company.

lxxxvii. An Act to confer further powers upon the Mayor, Aldermen, and Burgesses of the Borough of Preston as a Municipal Corporation, and also as the Local Board of Health.

lxxxviii. An Act for re-incorporating and giving additional powers to the Brighton Aquarium Company, and for other purposes.

xxxix. An Act to authorize the Great Eastern Railway Company to abandon the construction of certain railways and to purchase lands for station purposes; also to enact certain provisions with respect to the Great Eastern Metropolitan Undertaking; and for other purposes.

xc. An Act for making better provision for the cure of souls within the original limits of the parish of Saint Mary, Newington, in the diocese of London.

xci. An Act for making a railway from the Great Western (South Wales) Railway near Whitland to Crymmych Arms in the county of Pembroke.

xcii. An Act to extend the time for the completion of the East Norfolk Railway, and for other purposes.

xciii. An Act for the abandonment of the railways authorized by "The Southsea Railway Act, 1867," and for other purposes.

xciv. An Act to authorize the construction of Street Tramways in certain parts of the Metropolis south of the River Thames, and for other purposes.

xcv. An Act to authorize the construction of Street Tramways from Pimlico to Peckham and Greenwich, and for other purposes.

xcvi. An Act to extend the time for the purchase of lands, and for the completion of the Garstang and Knot End Railway, and for increasing the capital of the Garstang and Knot End Railway Company.

xcvii. An Act for enabling the Milford Improvement Commissioners to borrow further monies, and for other purposes.

xcviii. An Act for improving and completing a direct line of railway communication between Glasgow and Kilmarnock, viâ Crofthead, and for vesting the same in the Caledonian and Glasgow and South-western Railway Companies; and for abandoning the Kilmarnock Direct Railway; and for other purposes.

xcix. An Act to authorize the Crystal Palace and South London Junction Railway Company to make a short Railway in the parish of Saint Mary, Lambeth, in the county of Surrey; and for other purposes.

c. An Act to consolidate and amend the several Acts relating to the Port and Harbour of Dublin and the Dublin Port and Docks Board; and for other purposes.

ci. An Act to authorize the construction of Street Tramways in certain parts of the Metropolis north of the River Thames, and for other purposes.

cii. An Act for supplying with Gas the towns of Aberdare and Aberaman and the parish of Aberdare, all in the county of Glamorgan.

ciii. An Act for further improving the Navigation of the River Severn, and for amending and extending the Severn Navigation Acts; and for other purposes.

civ. An Act for better supplying with Gas the parishes of Walton-on-Thames and Weybridge in the county of Surrey, and for supplying the parish of Shepperton in the county of Middlesex; and for other purposes.

cv. An Act to enable the North-eastern Railway Company to alter and abandon part of their authorized Gilling and Pickering Railway, and of their Port Clarence Branch, and to confer on the Company further powers in reference to other portions of their undertaking; and for other purposes.

cvi. An Act to incorporate a Company for better supplying Milnrow, in the parish of Rochdale in the county of Lancaster, and the neighbourhood thereof, with Gas; and for other purposes.

cvii. An Act to dissolve the Cleveland Water Company (Limited) and re-incorporate the members thereof, and to make further provision for the supply of water to Saltburn-by-the-Sea, Skelton, and other places in Cleveland; and for other purposes.

cviii. An Act for enabling the Dublin and Drogheda Railway Company to effect a communication between their railway and the works of the London and North-western Railway Company at the North Wall, Dublin; and for other purposes.

cix. An Act for conferring further powers on the Great Western Railway Company in relation to their own undertaking and the undertakings of other Companies; and for other purposes.

cx. An Act for transferring to the Corporation of Huddersfield the undertaking of the Commissioners for the Huddersfield Waterworks, and for empowering the Corporation to construct additional Waterworks and to supply Water within extended limits; and for other purposes.

cxi. An Act for arranging the affairs of the Bristol and North Somerset Railway Company, and for other purposes.

cxii. An Act for better supplying with Water the towns of Walton, Weybridge, Chertsey, Byfleet, Cobham, and Shepperton, and the several parishes and places adjacent thereto, in the counties of Middlesex and Surrey; and for other purposes.

cxiii. An Act to revive and extend the time limited by "The Mid-Wales Railway (Western Extensions) Act, 1865," for the compulsory purchase of lands and completion of works, and to abandon the formation of the Railways authorized by "The Mid-Wales Railway Act, 1864," and "The Mid-Wales Railway (Eastern Extension) Act, 1865," respectively, and to enable the Mid-Wales Railway Company to use a portion of the Neath and Brecon Railway; and for other purposes.

cxiv. An Act for improving and maintaining the Harbour of Dundee and the Docks and Works connected therewith, and amending the Acts relating to the said Harbour; and for other purposes.

cxv. An Act for conferring additional powers on the London and North-western Railway Company for the construction of new works, and in relation to their own undertaking and the undertakings of other Companies; and for other purposes.

cxvi. An Act to confer additional powers on the London, Chatham, and Dover Railway Company for the construction of works, and otherwise in relation to their own undertaking and the undertakings of other Companies; and for other purposes.

cxvii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of Manchester to purchase additional lands for the purposes of their Waterworks, to widen and alter Deansgate, to acquire additional lands, and to raise further monies; and for other purposes.

cxviii. An Act for authorizing the construction of a Dry Dock and other works at Newport by and for conferring other powers upon the Newport Harbour Commissioners.

cxix. An Act to confer various powers upon the North British Railway Company for the abandonment of certain railways and works, the purchase of lands for station purposes, and with respect to superfluous lands, deferred preference dividends, and other matters connected with their undertaking; and for other purposes.

cxx. An Act to dissolve the Local Boards of the districts of Sutton and Parr, in the borough of Saint Helens in the county of Lancaster, and to repeal the Saint Helens Improvement Act, 1855, and to constitute the Corporation of the said borough the Local Authority therein for the improving and governing of the said borough; to enable the said Corporation to extend their Waterworks and to purchase the undertakings of the Saint Helens Waterworks Company and the Saint Helens Gas Company; and for other purposes.

cxxi. An Act to incorporate a Company for extending the Thetford and Watton Railway to the Great Eastern Railway at Swaffham in Norfolk.

cxxii. An Act for granting further powers to "The Oxford Gaslight and Coke Company."

P. cxxiii. An Act to confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex.

P. cxxiv. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (2), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes relative to certain districts under that Act.

cxxv. An Act for better supplying with Water the parish of Dorking in the county of Surrey.

cxxvi. An Act for enabling the Caledonian Railway Company to abandon certain authorized railways; for sanctioning the acquisition by that Company of certain land; for altering the mode of raising a portion of their authorized share capital; for authorizing the amalgamation of the Crieff and Methven Junction Railway Company with the Company, and agreements with other companies and parties; and for other purposes.

cxxvii. An Act to form into a separate undertaking the Bude and Torrington Extensions of the Devon and Cornwall Railway Company, and to incorporate a Company for the making and maintaining thereof; and for other purposes.

cxxviii. An Act to authorize the Imperial Gaslight and Coke Company to raise more money and purchase more land; and for other purposes.

cxxix. An Act for authorizing the Local Board of Health for the District of Keighley to make additional Waterworks, for extending the limits within which the Board may supply Water and Gas, for authorizing improvements in the town of Keighley; and for other purposes.

cxxx. An Act to increase the capital of the South Metropolitan Gaslight and Coke Company, and for other purposes with relation to the same Company.

cxxxi. An Act for defining and extending the powers of the Corporation of Wolverhampton in relation to the Management of Streets in the Borough, and to Sewerage, and to Police and other matters of Local Government, and to Water Supply; and for other purposes.

cxxxii. An Act to give further time for the completion of the Railways of the Dundalk and Greenore Railway Company and the joint works authorized by the Newry and Greenore Railway Act, 1863; and for other purposes.

cxxxiii. An Act to amend "The Towns Improvement (Ireland) Act, 1854," so far as relates to the town of Kingstown; and for other purposes.

cxxxiv. An Act to enable the Metropolitan Board of Works to widen Hamilton Place and to extend the same into and improve Park Lane in the parish of Saint George, Hanover Square, in the county of Middlesex; and for other purposes.

cxxxv. An Act to authorize the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the west riding of the county of York, to construct new Waterworks; and for other purposes.

cxxxvi. An Act to grant further powers to the Metropolitan Railway Company.

cxxxvii. An Act to enable the Severn and Wye Railway and Canal Company to improve and extend their undertaking; and for other purposes with relation to the same Company.

cxxxviii. An Act for making a Railway from the North-eastern Railway at Richmond to Reeth in the north riding of the county of York; and for other purposes.

cxxxix. An Act for better supplying with Water the borough of Truro in the county of Cornwall.

cxl. An Act for the conversion of the Mortgages of the Hereford, Hay, and Brecon Railway Company into Debenture Stock; and for other purposes relating to the same Company.

cxli. An Act for enabling the Festiniog Railway Company to widen and improve their railway, and to raise further money; and for other purposes.

cxlii. An Act to give further time for the completion of Brean Down Harbour, and for the compulsory purchase of lands for the Brean Down Docks; and for other purposes.

cxliii. An Act for making a Railway from Princes Risborough in the county of Buckingham to Watlington in the county of Oxford; and for other purposes.

cxliv. An Act to create and incorporate a Public Trust for supplying Water to the city of Edinburgh, town and port of Leith, town of Portobello, and districts and places adjacent; to transfer to the Trust the undertaking and powers of the Edinburgh Water Company; and for other purposes.

cxlv. An Act for vesting the undertaking of the Swansea Vale and Neath and Brecon Junction Railway Company in the Neath and Brecon Railway Company; for suspending legal proceedings against the Neath and Brecon Railway Company; for converting the mortgage and other debts into debenture stock; for raising money, and regulating the capital of that Company; and for other purposes.

cxlvi. An Act for making a railway from the Ely, Haddenham, and Sutton Railway at Haddenham to the Great Eastern Railway at Longstanton; and for other purposes.

cxlvii. An Act to make better provision for the Local Management of the borough of Sligo; and for dissolving the Town and Harbour Commissioners of Sligo, and vesting in the Corporation of the borough the powers of the Town Commissioners and incorporating a new body of Harbour Commissioners; and for empowering the Corporation to construct Waterworks and supply Water, and to acquire Gasworks and supply Gas; and for other purposes.

cxlviii. An Act to incorporate a Company for constructing Docks, Warehouses, and other works in the parish of Holyhead in the county of Anglesea; and for other purposes.

P. **cxlix.** An Act to confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

P. cl. An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Aberystwith, Ashton-under-Lyne, Bath, Cleckheaton, Crompton, Newport (Monmouthshire), Reading, Southport, Stalybridge, and Weston-super-Mare.

cli. An Act to authorize the abandonment of a certain portion of the railways authorized by the Ellesmere and Glyn Valley Railway Act, 1866, and an extension of time for the compulsory purchase of lands and the completion of other portions of the said railways; and for other purposes.

clii. An Act for making a Railway from Callington to Calstock in the county of Cornwall, and for other purposes.

cliii. An Act to authorize the Wrexham, Mold, and Connah's Quay Railway Company to raise a sum of money for their undertaking; and for other purposes.

cliv. An Act for conferring further powers upon the Furness Railway Company for the construction of Works and the acquisition of Lands, and otherwise in relation to their undertaking; and for other purposes.

clv. An Act to extend the time for the purchase of lands for, and completion of, the Belgravia and South Kensington New Road; and for other purposes.

clvi. An Act to authorize the construction of a Pier at Portobello in the county of Edinburgh.

clvii. An Act for making and maintaining a Market in Saint Luke, Chelsea, in the county of Middlesex; and for other purposes.

P. clviii. An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Broughty Ferry.

P. clix. An Act to authorize the inclosure of certain lands in pursuance of a report of the Inclosure Commissioners for England and Wales.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the exchange of parts of the entailed estate of Novar, in the counties of Ross and Elgin, for parts of the entailed estates of Contullich and Culcairn and the fee-simple lands of Inchcoulter, in the county of Ross.

2. An Act for making better provision respecting the disposition of the estate of the late Joseph Crossley of Halifax, deceased; and for other purposes.

3. An Act for authorizing the raising of Money on the security of part of the Settled Estates of the Marquis Camden for the purpose of the erection of a Mansion House thereon; and for other purposes.

4. An Act for confirming certain Building Leases granted by the Right Honorable Frederick Lord Calthorpe, Baron Calthorpe of Calthorpe in the county of Norfolk, deceased, of various parts of an estate situate in the parish of Edgbaston in the county of Warwick, and for altering the present powers of leasing over the same and other estates comprised in a re-settlement of the same dated the eighteenth day of July one thousand eight hundred and sixty-four; and for other purposes.

5. An Act for authorizing the leasing, selling, exchanging, and partitioning of Estates in the parish of Manchester in the county of Lancaster.

6. An Act to incorporate the Trustees of the deceased John Ferguson, of Cairnbrock, under the name of "The Ferguson Bequest Fund," and to enlarge the powers of said Trustees, the better to enable them to carry out the designs of the deceased.

7. An Act for enabling the Right Honorable Charles John Earl of Shrewsbury, and other the persons for the time being entitled to the estates annexed to the earldom of Shrewsbury, to make arrangements with the persons claiming to be entitled to or interested in lands at Oxton, in the county of Chester, under certain leases granted by Charles fifteenth Earl of Shrewsbury, John sixteenth Earl of Shrewsbury, and Bertram Arthur seventeenth Earl of Shrewsbury, respecting the premises comprised in such leases, and for annexing lands at Oxton to the earldom of Shrewsbury; and for other purposes.

8. An Act to authorize the Wardens and Commonalty of the Mystery of Grocers of the City of London, as Trustees under the will of Dame Margaret Slaney, deceased, to consent to the union of the Benefices of Allhallows Staining and Saint Olave Hart Street in the City of London, and for enabling the Trustees to carry into more complete effect the trusts of the will, and for facilitating such union.

9. An Act for authorizing mortgages of certain Real Estates in Manchester and Salford, in the county of Lancaster, subject to the will of the late Harriott Williams, deceased, and for other purposes, and of which the short title is "Williams's Estate Act, 1869."

10. An Act for authorizing the Trustees of the settlement dated the 5th day of June 1830, executed in accordance with the directions contained in the will of William Wilshere, Esquire, deceased, to pull down part of the family mansion called the Frythe, and to rebuild the same, and to make alterations in the remaining part of the mansion, and to build cottages on the settled estates, and for authorizing the granting of building leases and sales of parts of the settled estates, and for obtaining the enfranchisement of copyholds; and for other purposes.

PRIVATE ACTS,

NOT PRINTED.

11. An Act to relieve Alexander Hugh Bruce, of Kennet, in the county of Clackmannan, Esquire, and the heirs for the time being of the body of Michael first Lord Balfour of Burley, in the Peerage of Scotland, from the effect of the attainder of Robert fifth Lord Balfour of Burley.

12. An Act to confer upon Pandeli Ralli all the rights, privileges, and capacities of a Natural-born Subject of Her Majesty the Queen.

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Printers to the Queen's most Excellent Majesty. 1869.

INDEX

TO THE

PUBLIC GENERAL ACTS,

32 & 33 VICTORIA.—A.D. 1869.

Showing whether they relate to the whole or to any part of the United Kingdom, viz.

E. *signifies that the Act relates to* England (and Wales, if the Subject extends so far).
S. - - - - - Scotland.
I. - - - - - Ireland.
E. & I. - - - England and Ireland.
G.B. - - - - Great Britain.
G.B. & I. - - - - Great Britain and Ireland.
U.K. - - - - The whole of the United Kingdom.

NOTE.—*Several Acts formerly included in the Collection of Public General Statutes will now be found among the Local and Personal Acts. These are, principally, for the Confirmation of Provisional Orders under The Local Government Act, The Land Drainage Act, The Drainage and Improvement of Lands (Ireland) Act, The General Police and Improvement (Scotland) Act, The Public Health (Scotland) Act, and The Poor Law Amendment Act; also the Annual Inclosure Acts, and others, which, although technically public, are purely of a local Character. They will be found under their respective Headings in the Index to the Local and Private Acts.*

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Commissioners of Public Works; to extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public Trusts	74.	I.
Common Pleas (Lancaster); to authorize the appointment of District Prothonotaries of the Court of Common Pleas at Lancaster, and to provide for the better despatch of business therein	37.	E.
Commons, Metropolis; to amend the Metropolitan Commons Act, 1866. (29 & 30 Vict. c. 122.)	107.	E.
Commutation of Pensions. *See* Pensions.		
Companies; to amend The Companies Clauses Act, 1863 (26 & 27 Vict. c. 118.) [Interest on Debenture Stock, &c.]	48.	G.B. & I.
——— *See also* Railways.		

	Cap.	Relating to
Consolidated Fund; to apply certain sums out of the Consolidated Fund to the service of the years ending 31st March 1868, 1869, and 1870	1.	U.K.
——— to apply the sum of 17,100,000*l.* out of the Consolidated Fund to the service of the Year ending 31st March 1870	8.	U.K.
——— to apply a sum out of the Consolidated Fund and the Surplus of Ways and Means to the service of the year ending 31st March 1870, and to appropriate the Supplies granted in the Session 1868–9	93.	U.K.
Constables. *See* High Constables.		
Consul at Zanzibar. *See* Slave Trade.		
Contagious Diseases; to amend the Contagious Diseases Act, 1866, (29 & 30 Vict. c. 35.)	96.	E. & I.
Contagious Diseases (Animals); to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of Contagious or Infectious Diseases among Cattle and other animals in Great Britain	70.	G.B.
Convocation. *See* Oxford University.		
Corn, &c. Duties. *See* Customs, &c.		
Cornwall. *See* Stannaries.		
Corrupt Practices; to amend the Law relating to the payment of the expenses of Commissioners of Inquiry into Corrupt Practices at Elections of Members to serve in Parliament	21.	G.B. & I.
——— for appointing Commissioners to inquire into the existence of Corrupt Practices amongst the Freemen Electors of the city of Dublin	65.	I.
Costs of Arbitrations. *See* Lands Clauses Consolidation Act.		
County Courts; to amend the County Courts (Admiralty Jurisdiction) Act, 1868 (31 & 32 Vict. c. 71.), and to give Jurisdiction in certain Maritime Causes	51.	E.
Counties Palatine. *See* Court of Chancery (Durham). Court of Common Pleas (Lancaster).		
Court of Chancery (Durham); to abolish the office of Cursitor of the Court of Chancery in the palatine of Durham	84.	E.
Court of Common Pleas (Lancaster); to authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein	37.	E.
Court of Session Act Amendment. *See* Lighthouse Keepers.		
Courts of Justice Salaries, &c.; for amending the law relating to the salaries, expenses, and funds of Courts of Law in England	91.	E.
Cowgill District Chapelry; to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill	30.	E.
Criminal Lunatics; to amend the Law (30 & 31 Vict. c. 12.) relating to Criminal Lunatics	78.	E.
Criminals, Habitual; for the more effectual Prevention of Crime	99.	G.B. & I.

	Cap.	Relating to
Cursitor (Palatine of Durham); to abolish the office of Cursitor of the Court of Chancery in the palatine of Durham - - - - - - - -	84.	E.
Customs and Excise Warehousing. *See* Customs and Inland Revenue.		
Customs and Inland Revenue; to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue. [Corn, &c. Income Tax. Land Tax. Fire Insurance. Excise Licences. Assessed Taxes, &c.] -	14.	U.K.
——— to amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue - - - - - -	103.	U.K.

D.

Dangerous Structures. *See* Metropolitan Buildings.		
Debenture Stock. *See* Companies Clauses Act.		
Debtors, &c.; for the abolition of Imprisonment for Debt, and the punishment of fraudulent debtors; and for other purposes - - - - - -	62.	E.
——— to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal Enactments relating to Insolvency, Bankruptcy, Imprisonment for Debt, and matters connected therewith - - - - -	83.	E.
Debts of deceased Persons; to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons - -	46.	E. & I.
Desertion. *See* Mutiny.		
Destitute Poor. *See* Poor.		
Deputies of Magistrates; to amend the Law concerning the appointment of Deputies by Stipendiary Magistrates -	34.	E.
Deputies of Recorders; to extend the Power of Recorders to appoint Deputies in certain cases - - - -	23.	E.
Deserted Children. *See* Orphan, &c. Children.		
Devon. *See* Stannaries.		
Diplomatic Salaries, &c.; to provide for the payment of Diplomatic Salaries, Allowances, and Pensions - -	43.	U.K.
Diseases (Contagious). *See* Contagious Diseases.		
Disembodied Militia. *See* Militia.		
Dispensary Districts. *See* Superannuations.		
Dissolution of Railway Companies; to amend the Law relating to the abandonment of railways, and the dissolution of Railway Companies - - - - - -	114.	G.B. & I.
District Prothonotaries. *See* Common Pleas (Lancaster).		
Dividends on Public Stocks; for facilitating the payment of Dividends [by the Bank of England] on the Public Stocks, and for making regulations with respect thereto - -	104.	U.K.
Dover Port and Harbour. *See* Cinque Ports. Fortifications, &c.		
Drainage, &c. of Lands; to amend The Drainage and Improvement of Lands (Ireland) Act, 1863 (26 & 27 Vict. c. 88.), and to afford further facilities for the purposes thereof - - - - - - - - - -	72.	I.

	Cap.	Relating to
Dublin Freemen; for appointing Commissioners to inquire into the existence of Corrupt Practices amongst the Freemen Electors of the city of Dublin	65.	I.
Durham; to abolish the office of Cursitor in the palatine of Durham	84.	E.

E.

East India. *See* Government of India. Inam Lands. Straits Settlements.		
East India Irrigation and Canal Company; for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company, &c. [Transfer of the Orissa and Behar Undertakings]	7.	U.K.
East India Loan; to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India	106.	U.K.
Education; to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education	56.	E.
——— for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118.)	58.	E.
Election Commissions; to amend the Law relating to the Payment of the Expenses of Commissioners of Inquiry into Corrupt Practices at Elections of Members to serve in Parliament	21.	G.B. & I.
——— for appointing Commissioners to inquire into the existence of Corrupt Practices amongst the Freemen Electors of the City of Dublin	65.	I.
Embezzlement of Funds. *See* Trades Unions.		
Endowed Hospitals, &c.; to make provision for the better government and administration of Hospitals and other endowed institutions in Scotland	39.	S.
Endowed Schools; to amend the law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education	56.	E.
Error, Proceedings in. *See* Special Bails.		
Established Church in Ireland. *See* Irish Church.		
Evidence; for the further amendment of the Law of Evidence [Actions for Breach of Promise and Suits for Adultery]	68.	E. & I.
Exchequer Bonds; for raising the Sum of 2,300,000*l.* by Exchequer Bonds for the service of the year ending 31st March 1870	22.	U.K.
Excise. *See* Customs and Inland Revenue.		
Expiring Laws Continuance; to continue various expiring Laws	85.	G.B. & I.

F.

Fees in Criminal Proceedings. *See* Clerks of Assize.		
Fines and Fees Collection; to enable Local Authorities to collect Fines and Fees by means of Stamps	49.	E.
Fire Insurance Duties. *See* Inland Revenue.		

	Cap.	Relating to
FISHERIES; to confirm an Order made by the Board of Trade, under the Sea Fisheries Act, 1868, (31 & 32 Vict. c. 45.) relating to Langston, and to amend the 45th section of that Act. [Oyster and Mussel Fisheries]	31.	G.B.
——— to amend the Salmon Fishery (Ireland) Act, 1863 (26 & 27 Vict. c. 114.), and the Acts continuing the temporary provisions of the same - - -	9.	I.
——— to amend the Laws relating to the Fisheries of Ireland [Oyster and Salmon Fisheries, &c.] - -	92.	I.
FORTIFICATIONS (PROVISION FOR EXPENSES); for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced -	76.	G.B. & I.
FRANCHISE. *See* MUNICIPAL FRANCHISE.		
FRAUDULENT DEBTORS; for the abolition of imprisonment for debt, and for punishment of fraudulent debtors, &c. -	62.	E.
FREEMEN OF DUBLIN; for appointing Commissioners to inquire into the existence of corrupt Practices amongst the Freemen Electors of the City of Dublin - - -	65.	I.
FUNDS OF TRADES UNIONS. *See* TRADES UNIONS.		

G.

GALLE HARBOUR; for empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the Harbour of Galle in the colony of Ceylon - - -	105.	U.K.
GAMING; to provide for the prevention of Gaming in public places in Scotland - - - - - -	87.	S.
GLYCERINE. *See* NITRO GLYCERINE.		
GOVERNMENT OF INDIA; to amend in certain respects the Act 21 & 22 Vict. c. 106., for the better Government of India - - - - -	97.	U.K.
——— to define the powers of the Governor-General of India in Council at meetings for making laws and regulations for certain purposes - -	98.	U.K.
——— *See also* EAST INDIA LOAN.		
GREAT BASSES ROCK (CEYLON); for making better provision for the erection of a Lighthouse on the, and for other purposes - - - - - - - -	77.	U.K.
GREENWICH HOSPITAL; to make better provision respecting Greenwich Hospital, and the application of the revenues thereof - - - - - - - - - -	44.	U.K.

H.

HABITUAL CRIMINALS; for the more effectual prevention of crime - - - - - - -	99.	G.B. & I.
HACKNEY AND STAGE CARRIAGES; for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District - - -	115.	E.

	Cap.	Relating to
Harbour of Galle Loan; for empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the Harbour of Galle in the colony of Ceylon - - - - - -	105.	U.K.
High Constables; to provide for the discharge of the duties heretofore performed by High Constables; and for the abolition of such office, with certain exceptions -	47.	E.
Hospital (Greenwich); to make better provision respecting Greenwich Hospital, and the application of the revenues thereof - - - - - -	44.	U.K.
Hospitals, &c.; to make Provision for the better government and administration of Hospitals and other endowed Institutions in Scotland - - - -	39.	S.

I.

Imprisonment for Debt; for the abolition of Imprisonment for Debt, for the punishment of fraudulent Debtors, and for other purposes - - - - -	62.	E.
——— *See also* Bankruptcy.		
Inam Lands (India); to render valid certain Title Deeds for Inam Lands - - - - -	29.	U.K.
Income Tax. *See* Inland Revenue.		
India. *See* Government of India. Inam Lands. Straits Settlements.		
Infectious Diseases. *See* Contagious Diseases.		
Inland Revenue; to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue. [Corn, &c. Income Tax. Land Tax. Fire Insurance. Excise Licences. Assessed Taxes.] - - - -	14.	U.K.
——— to amend the Law relating to the Warehousing of Wines and Spirits, and for other purposes relating to Customs and Inland Revenue - - -	103.	U.K.
Insolvent Debtors, &c.; to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal enactments relating to Insolvency, Bankruptcy, Imprisonment for Debt, and matters connected therewith - - -	83	E.
Insurance, Duties on. *See* Inland Revenue.		
Ireland, Acts relating specially to. *See* Drainage, &c. of Lands. Dublin Freemen. Fisheries. Irish Church. Local Officers Superannuation. Medical Officers Superannuation. Militia. Orphan, &c. Children. Poor, &c. Public Parks. Public Works. Salmon Fisheries. Sanitary Act, 1866.		
Irish Church; to put an end to the establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth - - - -	42.	I.
Irish Fisheries. *See* Fisheries.		

J.

	Cap.	Relating to
Jamaica Loans; to provide for the better Liquidation of certain Loans raised under the guarantee of Her Majesty for the service of the colony of Jamaica	69.	U.K.
Judicial Statistics; to provide for the Collection of Judicial Statistics in Scotland	33.	S.
Juries; to amend the Court of Sesssion Act, 1868 (31 & 32 Vict. c. 100.), with respect to the exemption of Light-house Keepers, &c. from serving on Juries	36.	S.
Justice, Administration of. *See* Admiralty Jurisdiction. Bails. Bankruptcy. Clerks of Assize. Common Pleas (Lancaster). Court of Chancery (Durham). Courts of Justice. Criminal Lunatics. Debtors. Deputies of Magistrates. Deputies of Recorders. Evidence. Gaming. Habitual Criminals. High Constables. Insolvent Debtors. Judicial Statistics. Juries. Millbank Prison. Newspapers, &c. Prisoners Removal. Prisons. Stannaries. Trades Unions.		
Justice, Courts of; for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England	91.	E.

L.

	Cap.	Relating to
Lancaster. *See* Common Pleas (Lancaster).		
Land Tax. *See* Inland Revenue.		
Land Tax Commissioners Names; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes	64.	G.B.
Land, Titles to; for amending The Titles to Land Consolidation Act, 1868 (31 & 32 Vict. c. 101.)	116.	S.
Lands Clauses Consolidation Act; to amend the Lands Clauses Consolidation Act, 1845 (8 & 9 Vict. c. 18.) [Costs of Arbitrations, &c.]	18.	E.
Lands, Drainage of; to amend the Drainage and Improvement of Lands (Ireland) Act, 1863 (26 & 27 Vict. c. 88.), and to afford further facilities for the purposes thereof	72.	I.
Langston; to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), relating to Langston, &c.	31.	G.B.
Law Courts (Salaries, &c.); for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England	91.	E.
Law of Evidence; for the further Amendment of the Law of Evidence [in Actions for Breach of Promise and in Suits for Adultery]	68.	E. & I.
Licences. *See* Beerhouses. Inland Revenue.		
Lighthouse Keepers; to amend the Court of Session Act, 1868 (31 & 32 Vict. c. 100.), in so far as the exemption of Lighthouse Keepers and their assistants from serving on Juries is thereby abolished	36.	S.
Lighthouse on the Great Basses Rock (Ceylon); for making better provision for the erection of, and for other purposes	77.	U.K.

	Cap.	Relating to
Loans. *See* Canada. East India. Jamaica. Metropolitan Board of Works. Poor Law. Sanitary Act, 1866.		
Local Officers Superannuation; to enable Corporate and other Public Bodies in Ireland to grant Superannuation Allowances to Officers in their Service in certain cases -	79.	I.
Local Stamp Act; to enable Local Authorities to collect Fines and Fees by means of Stamps - - - -	49.	E.
Lunatics, Criminal; to amend the Law (30 & 31 Vict. c. 12.) relating to Criminal Lunatics - - - -	78.	E.

M.

	Cap.	Relating to
Magistrates Deputies. *See* Stipendiary Magistrates Deputies.		
Margate. *See* Cinque Ports Act.		
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - -	5.	U.K.
Marine Stores; for the Protection of Naval Stores - -	12.	E.
Maritime Causes. *See* Admiralty Jurisdiction.		
Marriages. *See* Park Gate Chapel Marriages.		
Maynooth College; to put an end to the Establishment of the Church of Ireland, and to make Provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth - - - - -	42.	I.
Medical Officers Superannuation; to provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such Unions, in Ireland - - - - - - - - -	50.	I.
Medical Practitioners. *See* Pharmacy Act.		
Members of Parliament; to remove doubts as to the qualification of persons holding Civil Service Pensions, or receiving Superannuation Allowances, to sit in Parliament	15.	U.K.
Merchant Shipping (Colonial); for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions - - - - - -	11.	U.K.
Metropolitan Board of Works; for making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith - - - - - - - -	102.	E.
——— *See also* Metropolitan Buildings.		
Metropolitan Buildings; to amend The Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122.) [Transfer of powers over Dangerous Structures from Commissioners of Police to Metropolitan Board of Works.] - - - -	82.	E.
Metropolitan Commons; to amend the Metropolitan Commons Act, 1866 (29 & 30 Vict. c. 122.) - - - -	107.	E.
Metropolitan Police District. *See* Metropolitan Public Carriages.		
Metropolitan Poor; to amend the Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6.) - - - - -	63.	E.
Metropolitan Public Carriages; for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District - - - -	115.	E.

	Cap.	Relating to
Military Offenders; to enable them to be confined in Millbank Prison	95.	E.
Militia; for amending the Law relating to the Militia	13.	G.B. & I.
—— to continue and amend the Act 31 & 32 Vict. c. 76., to defray the charge of the Pay, Clothing, and contingent and other expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; &c.	66.	G.B. & I.
—— to amend The Militia (Ireland) Act, 1854 (17 & 18 Vict. c. 107.), as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied	80.	I.
Millbank Prison; to enable Military Offenders to be confined in Millbank Prison	95.	E.
Mining Partnerships; for amending the Law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries	19.	E.
Misappropriation of Funds. *See* Trades Unions.		
Municipal Franchise; to shorten the Term of Residence required as a Qualification for the Municipal Franchise, and to make provision for other purposes	55.	E.
Mussel Fisheries. *See* Fisheries.		
Mutiny; for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters	4.	U.K.
—— for the Regulation of Her Majesty's Royal Marine Forces while on shore	5.	U.K.

N.

Napier's (Lord) Salary; to enable Lord Napier of Magdala to receive the full benefit of the Salary of Member of Council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an Annuity granted to him under the Act 31 & 32 Vict. c. 91.	3.	U.K.
Naval Pensions. *See* Pensions.		
Naval Stores; for the protection of Naval Stores	12.	E.
New Parishes Acts; to amend the New Parishes Acts and Church Building Acts	94.	E.
Newspapers, &c.; to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms	24.	G.B. & I.
Nitro Glycerine; to prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine	113.	G.B. & I.
Non-residence of Clergy. *See* Presentation of Benefices, &c.		
Norfolk Island Bishopric; to amend so much of the Act 6 & 7 Vict. c. 35. as provides that Norfolk Island is to be part of the diocese of Tasmania	16.	U.K.
Nuisances Removal Acts. *See* Sanitary Act, 1866.		

O.

	Cap.	Relating to
Occupiers, Rating of. *See* Poor, &c.		
Officers Pensions. *See* Pensions.		
Orissa Canal. *See* East India Irrigation and Canal Company.		
Orphan, &c. Children; to amend section 9. of 25 & 26 Vict. c. 83., by extending the age at which Orphan and Deserted Children may be kept out at nurse - - -	25.	I.
Oxford University; to remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford - - - - - -	20.	E.
Oyster and Mussel Fisheries. *See* Fisheries.		

P.

Pamphlets. *See* Newspapers, &c.		
Park Gate Chapel Marriages, &c.; to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill (York) - - - - - - - -	30.	E.
Parks; to afford facilities for the establishment and maintenance of Public Parks in Ireland - - - -	28.	I.
Parliamentary Elections. *See* Corrupt Practices.		
Parliamentary Returns; to amend the Law relating to the Presentation of Accounts, Statements, Returns, and Documents to Parliament - - - - - -	86.	U.K.
Pay, &c. of the Militia. *See* Militia.		
Payment of deceased Persons Debts; to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons - - - - - - - -	46.	E. & I.
Payment of Dividends. *See* Public Stocks.		
Payment of Witnesses. *See* Clerks of Assize.		
Pensions; to provide for the Commutation of Pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services - - - - -	32.	G.B. & I.
—— to provide for the payment of Diplomatic Salaries, Allowances, and Pensions - - - -	43.	U.K.
—— to alter and amend the Acts enabling Her Majesty to grant Pensions to persons having held certain high civil offices - - - - - -	60.	U.K.
—— to remove doubts as to the qualification of persons holding Civil Service Pensions, &c. to sit in Parliament - - - - - -	15.	U.K.
Pharmacy Act; to amend The Pharmacy Act, 1868, (31 & 32 Vict. c. 121.) - - - - -	117.	G.B.
Political Offices (Pensions); to alter and amend the Acts enabling Her Majesty to grant Pensions to persons having held certain high civil offices - - - - - -	60.	U.K.

	Cap.	Relating to
Poor Law—Poor Relief, Rates, &c.; to amend The Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6.)	63.	E.
—— to provide for Uniformity in the Assessment of rateable property in the Metropolis	67.	E.
—— for amending the Law with respect to the rating of Occupiers for short terms, and the making and collecting of the Poor's Rate	41.	E.
—— to amend the Law relating to the Repayment of Loans to Poor Law Unions	45.	E.
—— to exempt from rating Sunday and Ragged Schools	40.	G.B.
—— to amend the Act 1 & 2 Vict. c. 56., "for the more effectual Relief of the destitute Poor in Ireland." [Officers of Unions being interested in contracts.]	54.	I.
—— to amend section 9. of 25 & 26 Vict. c. 83., by extending the age at which Orphan and Deserted Children may be kept out at nurse	25.	I.
—— to provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland	50.	I.
Portland Harbour. *See* Fortifications, &c.		
Post Office (Telegraphs); to alter and amend The Telegraph Act, 1868 (31 & 32 Vict. c. 110.)	73.	G.B. & I.
Post Office Savings Banks; to amend the Laws relating to Investments for Savings Banks and Post Office Savings Banks	59.	G.B. & I.
Presentation of Benefices belonging to Roman Catholics; for repealing part of the Act 1 W. & M. c. 26., "to vest in "the two Universities the presentations of benefices be- "longing to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence	109.	E.
Prevention of Crime; for the more effectual Prevention of Crime	99.	G.B. & I.
Prevention of Gaming; to provide for the prevention of Gaming in public places in Scotland	87.	S.
Printers, &c.; to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms	24.	G.B. & I.
Prisoners Removal; for authorizing the Removal of Prisoners from one colony to another for the purposes of Punishment	10.	U.K.
Prisons; to amend The Prisons (Scotland) Administration Act, 1860 (23 & 24 Vict. c. 105.)	35.	S.
—— to enable Military Offenders to be confined in Millbank Prison	95.	E.
Property Valuation. *See* Valuation (Metropolis).		
Prothonotaries. *See* Common Pleas (Lancaster).		
Public Carriages. *See* Hackney and Stage Carriages.		
Public Parks; to afford facilities for the Establishment and Maintenance of Public Parks in Ireland	28.	I.
Public Schools; for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118.)	58.	E.
Public Stocks; for facilitating the Payment of Dividends on the Public Stocks, and for making regulations with respect thereto	104.	U.K.

	Cap.	Relating to
Public Works; to extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public trusts - - - -	74.	I.

Q.

Qualification, Parliamentary. *See* Civil Service Pensions.

R.

Ragged Schools; to exempt from rating Sunday and Ragged Schools - - - - - -	40.	G.B.
Railway Companies; to repeal so much of the Regulation of Railways Act, 1868 (31 & 32 Vict. c. 119.), as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies - -	6.	G.B. & I.
——— to amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies	114.	G.B. & I.
Rates and Rating. *See* Poor, &c.		
Reading Rooms. *See* Newspapers, &c.		
Recorders Deputies; to extend the Power of Recorders to appoint Deputies in certain cases - - - -	23.	E.
Religious Congregations. *See* Titles of Religious Congregations.		
Removal of Prisoners from one colony to another for the purposes of Punishment, authorizing the - -	10.	U.K.
Residence of Clergymen. *See* Presentation of Benefices, &c.		
Resignation of Bishops; for the relief of Archbishops and Bishops when incapacitated by infirmity - - - -	111.	E.
Returns (Parliamentary); to amend the law relating to the Presentation of Accounts, Statements, and Documents to Parliament - - - - - -	86.	U.K.
Rifle Corps. *See* Volunteer Force.		
Roman Catholics. *See* Presentation of Benefices, &c.		
Royal Arsenal. *See* Fortifications, &c.		
Royal Marines. *See* Marine Mutiny.		
Rupert's Land; for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land - - - - - -	101.	U.K.

S.

Salaries. *See* Pensions.		
Sale of Beer. *See* Beerhouses.		
Salmon Fisheries; to amend the Salmon Fishery (Ireland) Act, 1863 (26 & 27 Vict. c. 114.) and the Acts continuing the temporary provisions of the same -	9.	I.
——— *See also* Fisheries.		

	Cap.	Relating to
SANITARY ACT, 1866; to facilitate the borrowing of money in certain cases for the purpose of The Sanitary Act, 1866 (29 & 30 Vict. c. 90.) and the Acts amending the same; and for other purposes - -	100.	E.
——— to amend "The Sanitary Act, 1866," so far as the same relates to Ireland [Application of Nuisances Removal Acts] - - - - -	108.	I.
SAVINGS BANKS, &c.; to amend the Laws relating to the Investments for Savings Banks and Post Office Savings Banks -	59.	G.B. & I.
SCHOOLS; to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education - - - - - -	56.	E.
——— for amending the Public Schools Act, 1868 (31 & 32 Vict. c. 118.) - - - - - -	58.	E.
——— to exempt from rating Sunday and Ragged Schools -	40.	G.B.
SCOTLAND, ACTS RELATING SPECIALLY TO. *See* ENDOWED HOSPITALS. GAMING. JUDICIAL STATISTICS. LIGHTHOUSE KEEPERS, &c. PRISONS. TITLES TO LAND.		
SEA BIRDS PRESERVATION; for the Preservation of Sea Birds -	17.	G.B. & I.
SEA FISHERIES; to confirm an Order made by the Board of Trade under the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.) relating to Langston; and to amend the forty-fifth section of that Act - -	31.	G.B.
——— *See also* FISHERIES.		
SEAMEN'S CLOTHING; to amend the Law relating to the Protection of Seamen's Clothing and Property - -	57.	E. & I.
SEEDS ADULTERATION; to prevent the Adulteration of Seeds -	112.	G.B. & I.
SHIPPING, COLONIAL; for amending the law relating to the Coasting Trade and Merchant Shipping in British Possessions - - - - - - -	11.	U.K.
SHIPPING DUES EXEMPTION; for the amendment of The Shipping Dues Exemption Act, 1867 (30 & 31 Vict. c. 15.) [Agreements for compensation] - - - -	52.	U.K.
SLAVE TRADE; for repealing the Act 8 & 9 Vict. c. 122. for carrying into execution a convention with Brazil for the abolition of the African Slave Trade - -	2.	U.K.
——— to regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade, and for other purposes relating thereto - -	75.	U.K.
SPECIAL BAILS; to facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal -	38.	E.
SPIRITS WAREHOUSING. *See* CUSTOMS AND INLAND REVENUE.		
STAGE CARRIAGES. *See* HACKNEY AND STAGE CARRIAGES.		
STAMPS. *See* FINES AND FEES COLLECTION.		
STANNARIES; for amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries -	19.	E.
STATISTICS, JUDICIAL; to provide for the Collection of Judicial Statistics in Scotland - - - - -	33.	S.
STATUTES (OXFORD UNIVERSITY); to remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford - - - - -	20.	E.

	Cap.	Relating to
Stipendiary Magistrates Deputies; to amend the Law concerning the appointment of Deputies by Stipendiary Magistrates	34.	E.
Stock of Companies. *See* Companies.		
Stocks, Public; facilitating the Payment of Dividends on the Public Stocks, and for making regulations with respect thereto	104.	U.K.
Storehouses (Militia); to amend The Militia (Ireland) Act, 1854 (17 & 18 Vict. c. 107.) as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied	80.	I.
Stores (Naval). *See* Naval Stores.		
Straits Settlements; for the separation of the Straits Settlements from the Diocese of Calcutta	88.	U.K.
Sunday and Ragged Schools; to exempt from rating Sunday and Ragged Schools	40.	G.B.
Superannuations; to provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland	50.	I.
——— to enable Corporate and other Public Bodies in Ireland to grant Superannuation Allowances to Officers in their Service in certain cases	79.	I.
——— *See also* Pensions.		

T.

Tasmania, to amend so much of the Act 6 & 7 Vict. c. 35. as provides that Norfolk Island is to be part of the diocese of	16.	U.K.
Telegraphs; to alter and amend the Telegraph Act, 1868, (31 & 32 Vict. c. 110.)	73.	G.B. & I.
Title Deeds; to render valid certain Title Deeds for Inam Lands	29.	U.K.
Titles of Religious Congregations; to extend to Burial Grounds the Provisions of the Act 13 & 14 Vict. c. 28. " to render more simple and effectual the Titles by which " Congregations and Societies for purposes of Religious " Worship or Education in England and Ireland hold " Property for such Purposes"	26.	E. & I.
Titles to Land; to amend The Titles to Land Consolidation (Scotland) Act, 1868, (31 & 32 Vict. c. 101.)	116.	S.
Trades Unions; to protect the Funds of Trades Unions from Embezzlement and Misappropriation	61.	G.B. & I.
Turnpike Trusts, &c.; to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads	90.	G.B.
Typefounders. *See* Printers, &c.		

U.

Unions (Poor Law). *See* Poor Law.		
Unions (Trades); to protect the Funds of Trades Unions from Embezzlement and Misappropriation	61.	G.B. & I
University of Oxford. *See* Oxford University.		

	Cap.	Relating to
V.		
VALUATION (METROPOLIS); to provide for Uniformity in the Assessment of Rateable Property in the Metropolis -	67.	E.
VICE-WARDEN OF THE STANNARIES; for amending the Law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries - - - - - -	19.	E.
VOLUNTEER FORCE; to amend The Volunteer Act, 1863 (26 & 27 Vict. c. 65.) - - - - - -	81.	G.B.
W.		
WAREHOUSING OF WINES AND SPIRITS; to amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue - - -	103.	U.K.
WEST INDIES. *See* JAMAICA LOANS.		
WINE AND BEERHOUSES, to amend the law for licensing; and to make certain alterations with respect to the Sale by retail of Beer, Cider, and Wine - - - - - -	27.	E.
WINES AND SPIRITS WAREHOUSING. *See* CUSTOMS AND INLAND REVENUE.		
WITNESSES, PAYMENT OF. *See* CLERKS OF ASSIZE.		
Z.		
ZANZIBAR; to regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade; and for other purposes relating thereto - - - - -	75.	U.K.

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CHAP. 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and sixty-eight, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy. [19th March 1869.]

A.D. 1869.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

There shall be applied for the service of the years ending 31st March 1868 and 1869 the sum of 4,506,272*l.* 13*s.* 4*d.* out of the consolidated fund.

1. There shall and may be issued and applied, for or towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, the sum of four million five hundred and six thousand two hundred and seventy-two pounds thirteen shillings and four-pence out of the consolidated fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury for the time being are hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied for the service of the year ending 31st March

2. There shall and may be issued and applied, for or towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy, the sum of three million nine hundred

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1870 the sum of 3,900,000*l.* out of the consolidated fund.

thousand pounds out of the consolidated fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury for the time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 8,406,272*l.* 13*s.* 4*d.* on the credit of this Act.

3. The governor and company of the Bank of England may make advances to Her Majesty, upon the credit of the sums granted by this Act out of the consolidated fund of the United Kingdom of Great Britain and Ireland, to an amount not exceeding in the whole the sum of eight million four hundred and six thousand two hundred and seventy-two pounds thirteen shillings and fourpence, and such advances shall be made on the application of the Commissioners of Her Majesty's Treasury, from time to time, in such sums as may be required for the public service, and shall be placed to the credit of the account of Her Majesty's Exchequer at the Bank of England, and be available to satisfy the orders for credits granted or to be granted on the said account, under the provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any services voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

Interest on advances.

4. The advances made by the Bank of England from time to time under the authority of this Act shall bear interest not exceeding the rate of threepence halfpenny per centum per diem, and the principal and interest of all such advances shall be paid out of the growing produce of the consolidated fund at any period not later than the next succeeding quarter to that in which the said advances shall have been made.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 2.

An Act for repealing the Act of the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-two. [19th April 1869.] A.D. 1869.

WHEREAS by an Act passed in the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-two, and intituled "An Act to amend an Act, "intituled 'An Act to carry into execution a convention between "'His Majesty and the Emperor of Brazil for the regulation and "'final abolition of the African Slave Trade,'" provision is made for carrying into execution in manner therein mentioned a certain convention between His late Majesty King George the Fourth and the Emperor of Brazil for the regulation and final abolition of the African slave trade: And whereas the circumstances which led to the passing of the said Act no longer exist by reason of the cessation of the importation of slaves into Brazil from Africa: 8 & 9 Vict. c. 122.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The said Act of the session of the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and twenty-two, is hereby repealed; provided that such repeal shall not affect any operation already effected by, or declaration of validity or of indemnity contained in, the said Act, or any right, title, obligation, or liability already acquired or accrued, or act done, under or by virtue of the said Act. Recited Act repealed.

2. This Act may be cited for all purposes as "The Brazilian Slave Trade Repeal Act, 1869." Short title.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 3.

An Act to enable Lord Napier of Magdala to receive the full benefit of the Salary of Member of Council for the Presidency of Bombay, or as holding any other office in India, notwithstanding his being in receipt of an Annuity granted to him under the Act thirty-one and thirty-two Victoria, chapter ninety-one. [19th April 1869.] A.D. 1869.

WHEREAS by an Act passed in the session held in the thirty-first and thirty-second years of Her Majesty's reign, and entitled "An Act to settle an Annuity upon Lieutenant-General "Sir Robert Napier, G.C.B., G.C.S.I.," (now Baron Napier of Magdala,) it is provided that an annuity of two thousand pounds should be payable out of the Consolidated Fund to the said Baron Napier of Magdala for the term of his natural life: 31 & 32 Vict. c. 91.

And whereas the said Baron Napier of Magdala is a member of council of the Presidency of Bombay:

And whereas by an Act passed in the session held in the third and fourth years of the reign of His late Majesty King William the Fourth, entitled "An Act for effecting an arrangement with the "East India Company, and for the better government of His "Majesty's Indian territories, till the thirtieth day of April one "thousand eight hundred and fifty-four," it was amongst other things provided that if any governor general, governor, or ordinary member of the Council of India, or any member of the council of any presidency, should hold or enjoy any pension, salary, or any place, office, or employment of profit under the Crown, the salary of his office as member of council should be reduced by the amount of the pension, salary, annuity, or profits of office so held by him: 3 & 4 W. 4. c. 85.

And whereas it is deemed fit and proper, in consideration of the services of the said Baron Napier of Magdala, to make such provision as is herein-after contained:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1869.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Government of India to pay to Lord Napier of Magdala the full amount of his salary as member of council for the Presidency of Bombay, without reduction in respect of the annuity payable to him under 31 & 32 Vict. c. 91.

1. Notwithstanding anything in the said Act or any other Act of Parliament contained, it shall be lawful for the Government of India to pay, and for the said Baron Napier of Magdala to receive, such salary as may be paid to him in respect of his office as member of the council of the Presidency of Bombay, or in respect of any office which he may hereafter hold to which the said recited provision of the last-mentioned Act may apply, so long as he continues to hold the same, without any reduction being made thereof in respect of the annuity payable to him under the said first-recited Act; and all payments of such salary as may have taken place before the passing of this present Act are hereby declared subject to no such reduction.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 4.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. A.D. 1869.

[19th April 1869.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and twenty-seven thousand three hundred and sixty-six men, including nine thousand five hundred and ninety-five, all ranks, to be employed with the depôts in the United Kingdom of Great Britain and Ireland of regiments serving in Her Majesty's Indian possessions, but exclusive of the numbers actually serving within Her Majesty's Indian possessions: And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the beforementioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Number of men to consist of 127,366, including those employed at depôts of regiments serving in India, but exclusive of those actually serving in India.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A.D. 1869.

Articles of War made by Her Majesty to be judicially taken notice of, and copies printed by the Queen's printer to be transmitted to judges, &c.

1. It shall be lawful for Her Majesty to make Articles of War for the better government of Her Majesty's army, which articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same, printed by the Queen's printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad: Provided that no person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishments as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act: Provided also, that nothing in this Act contained shall in any manner prejudice or affect any Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the authority of the Government of India, respecting officers or soldiers or followers in Her Majesty's Indian army, being natives of India; and on the trial of all offences committed by any such native officer or soldier or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service.

Persons subject to this Act.

2. All the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer, or who are or shall be listed or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service receiving pay, and all pensioners receiving allowances in respect of such service, and to persons who are or shall be hired to be employed in the royal artillery, royal engineers, and to master gunners, and to conductors of stores, and to the corps of royal military surveyors and draftsmen, and to all officers and persons who are or shall be serving on the commissariat staff, or soldiers in the commissariat staff corps, and to officers and soldiers serving in the corps to be hereafter organized and called the army service corps, or in the military store department, or in the military store staff corps, and to persons in the War Department, who are or shall be serving with any part of Her Majesty's army at home or abroad, under the command of any commissioned officer, and (subject to and in accordance with the provisions of an Act passed

in the sixth and seventh years of the reign of Her present Majesty, chapter ninety-five,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who having volunteered their services for that purpose shall be kept on duty in any fort, town, or garrison, and to all military store officers and other civil officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's establishments in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; and all the provisions of this Act shall apply to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners, or pioneers, or as military surveyors or draftsmen, or in the ordnance or public works or commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces, and to all licensed suttlers, and all followers in or of any of the said forces; provided that nothing in this Act contained shall extend to affect any security which has been or shall be given by any military store officer, barrack master, or other officer, or their sureties, for the due performance of their respective offices, but that all such securities shall be and remain in full force and effect. A.D. 1869.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and as to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also as to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed, or who shall aid in the escape of a prisoner from a military prison,

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or who shall introduce forbidden articles into such prison, or shall carry out any such articles, or who shall assault any officer of such prison, and also as to the provisions for exempting soldiers from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Colonial and foreign troops in Her Majesty's pay to be subject to provisions of this Act.

4. All officers and soldiers of any troops mustered and in pay which shall be raised and serving in any of Her Majesty's dominions abroad, or in places in possession of or occupied by Her Majesty's subjects under the command of any officer having any commission immediately from Her Majesty, shall be subject to the provisions of this Act and of Her Majesty's Articles of War, in like manner as Her Majesty's other forces are; and if such officers and soldiers, having been made prisoners, be sent into Great Britain or Ireland, although not allowed to serve therein, all the provisions of this Act in regard to billeting soldiers shall apply to such officers and soldiers.

Provision as to the militia or yeomanry or volunteer corps or reserve forces.

5. Nothing in this Act contained shall be construed to extend to any militia forces or yeomanry or volunteer corps in Great Britain or Ireland, or to the reserve force provided for by "The Reserve Force Act, 1867," or to the reserve force provided for by "The Militia Reserve Act, 1867," excepting only where by any Act for regulating any of the said forces or corps the provisions contained in any Act for punishing mutiny and desertion are or shall be specifically made applicable to such forces or corps.

Power to constitute courts-martial.

6. For the purpose of bringing offenders against this Act and against the Articles of War to justice, Her Majesty may from time to time, in like manner as has been heretofore used, grant commissions under the royal sign manual for the holding of courts-martial within the United Kingdom of Great Britain and Ireland, and may grant commissions or warrants under the said royal sign manual to the chief governor or governors of Ireland, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of troops belonging to Her Majesty's army, as well within the United Kingdom of Great Britain and Ireland and the British Isles as in any of Her Majesty's garrisons and dominions or elsewhere beyond seas, for convening courts-martial, and for authorizing any officer under their respective commands to convene courts-martial, as occasion may require, for the trial of offences committed by any of the forces under the command of any such last-mentioned officer, whether the same shall have

been committed before or after such officer shall have taken upon him such command: Provided that the officer so authorized be not below the degree of a field officer, except in detached situations beyond seas where a field officer is not in command, in which case a captain may be authorized to convene district or garrison courts-martial: Every officer so authorized to convene courts-martial may confirm the sentence of any court-martial convened by him according to the terms of his warrant.

Place where offenders may be tried.

7. Any person subject to this Act who shall, in any part of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions or in any other place whereto he may have come or where he may be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Powers of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service: No sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein; no sentence of penal servitude shall be for a period of less than five years; and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act: Provided always, that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of regimental or detachment courts-martial.

10. A regimental or detachment court-martial shall consist of not less than five commissioned officers, unless it is found to be impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any soldier to corporal punishment, or to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

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Courts-martial on line of march or in troop ships, &c.

11. In cases of mutiny, and insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship, not in commission, the offender may be tried by a regimental or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental court-martial is competent to award.

Powers of detachment general courts-martial.

12. It shall be lawful for any officer commanding any detachment or portion of troops serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which such troops are so serving by any person serving with or belonging to Her Majesty's armies, being under the immediate command of any such officer, to convene a detachment general court-martial, which shall consist of not less than three commissioned officers, for the purpose of trying any such person; and every such court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general courts-martial: Provided always, that no sentence of any such court-martial shall be executed until the general commanding the army of which such detachment or portion forms part shall have approved and confirmed the same.

As to swearing and summoning of witnesses.

13. All general and other courts-martial shall administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court

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or judge, by any affidavit in a summary way, that such witness was arrested in going to or attending upon or returning from such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or in the Court of Session or Sheriff or Stewart Courts in Scotland, or in courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend upon a trial in any proceeding in the court in which such complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof: It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

Oath to be administered to shorthand writer.

14. No officer or soldier who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

No second trial for the same offence, but revision may be allowed.

15. If any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in any forces belonging to Her Majesty's army, or Her Majesty's royal marines, or shall not use his utmost endeavours to suppress the same, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of Her Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy without Her Majesty's licence, or licence of the general or chief commander; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard com-

Crimes punishable with death.

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mitted to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy; or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's service; or shall leave his post before being regularly relieved; or shall sleep on his post; or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other his superior military officer, being in the execution of his office; all and every person and persons so offending in any of the matters before mentioned, whether such offence be committed within this realm or in any other of Her Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or penal servitude, or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or soldier attested for or in pay in any regiment or corps who shall, without having first obtained a regular discharge therefrom, enlist himself in any other regiment or corps, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Judgment of death may be commuted for penal servitude or other punishments.

16. In all cases where the punishment of death shall have been awarded by a general court-martial or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty, or to the officer commanding as aforesaid.

Embezzlement, &c. of stores punishable by penal servitude, or by fine, imprisonment, &c.

17. Any officer or soldier of Her Majesty's army, or any person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to Her Majesty's army or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and

sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies, or in India, where the person sentenced by such court-martial shall be resident, after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal servitude in the United Kingdom.

18. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death passed by any such court, the sentence, together with Her Majesty's pleasure thereupon, shall be notified in writing by the officer commanding in chief Her Majesty's army in Great Britain and Ireland, or by the adjutant general, or by the Secretary of State for the War Department, to any judge of the Queen's Bench, Common Pleas, or Exchequer in England or Ireland, and thereupon such judge shall make an order for the penal servitude of such offender in conformity with such notification, and shall do all such other acts consequent upon such notification as such judge is authorized to do by any Act in force touching the penal servitude of other offenders; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England; and such order shall be in all respects as effectual in England as though such offender had been convicted in England, and the order had been made by any judge of the Queen's Bench, Common Pleas, or Exchequer in England; and the person in whose custody such offender shall at that time be, and all other persons whatsoever

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whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience to or for interrupting the execution of such order as if the order had been made under the authority of any such Act as aforesaid; and every person so ordered to be kept in penal servitude shall be subject to every provision made by law and in force concerning persons under sentence of penal servitude; and from the time when such order of penal servitude shall be made every Act in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding and abetting, contriving or assisting in any escape or intended escape or returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Court of Queen's Bench; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender or to any person applying in his or Her Majesty's behalf, showing the christian and surname of such offender, his offence, the place where the court was held before which he was convicted, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

As to execution of sentences of penal servitude in the colonies, India, or elsewhere out of Her Majesty's dominions.

19. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the adjutant general for the time being, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial shall have been held, and if in any other part of Her Majesty's dominions to the chief justice or some other judge therein, and such judge shall make order for the intermediate custody and penal servitude

of such offender; and the offender shall, until handed over in pursuance of any such order to the civil authorities, be detained in military custody, and may be moved in such custody from place to place as circumstances may require; and upon any such order being made it shall be duly notified to the governor of the presidency if in India, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced, or where he may come or be as aforesaid, in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such presidency or colony; and such offender shall according to such directions undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced, or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned, and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony, or in the colony or place to which he has been so removed or sent respectively; and elsewhere out of Her Majesty's dominions the officer commanding shall have power to make an order in writing for the penal servitude or intermediate custody of such offender; and such offender shall be liable by virtue of such order to be imprisoned, and kept to hard labour, and otherwise dealt with under the sentence of the court, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in the place where he may be ordered to be kept in such intermediate custody, or in the place to which he may be removed for the purpose of undergoing his sentence of penal servitude. If any prisoner shall be brought to any place in the United Kingdom there to undergo any sentence of penal servitude which has been passed upon him by a court-martial held elsewhere, and the judge's or officer's order herein-before prescribed for his penal servitude and intermediate custody shall not be forth- A.D. 1869.

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coming, and the judge advocate general, upon application for that purpose, shall certify that it appears from the original proceedings of the court-martial whereby the prisoner was tried that he has been duly sentenced to penal servitude, and that for anything that appears to the contrary thereon such sentence is still in force against the said prisoner for the period to be stated in such certificate, then it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon consideration of such certificate, to direct, in writing under his hand, that the said prisoner shall be at once removed to a convict prison, and be imprisoned and kept to hard labour according to the sentence stated in such certificate, and thereupon the prisoner shall be removed to such convict prison, and shall be liable to be imprisoned and kept to hard labour, and be otherwise dealt with during the term of his sentence, as if he had been sentenced to a like term of penal servitude by a competent court in the United Kingdom.

A sentence of penal servitude may be commuted for imprisonment, &c.

20. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty, or to the officers commanding as aforesaid.

Of forfeitures, when combined with penal servitude.

21. Where an award of any forfeiture, or of deprivation of pay or of stoppages of pay, shall have been added to any sentence of penal servitude, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Courts-martial may not sentence to corporal punishment in time of peace.

22. No court-martial shall, for any offence whatever committed under this Act during the time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided, that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War;

and no sentence of corporal punishment shall exceed fifty lashes. A.D. 1869.

Power to inflict corporal punishment and imprisonment.

23. It shall be lawful for any general, district, or garrison court-martial, in addition to any sentence of corporal punishment, to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed by the Articles of War.

Power to commute corporal punishment for imprisonment, &c.

24. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial it shall be lawful for Her Majesty, or for the general or other officer authorized to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute a sentence of cashiering.

25. It shall be lawful for Her Majesty in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Marking deserters, or soldiers discharged with ignominy.

26. On the first and on every subsequent conviction for desertion the court-martial, in addition to any other punishment, may order the offender to be marked two inches below and one inch in rear of the nipple of the left breast with the letter D, such letter not to be less than an inch long, and to be marked upon the skin with some ink or gunpowder, or other preparation, so as to be clearly seen, and not liable to be obliterated; a court-martial may, upon sentencing any offender to be discharged with ignominy, also sentence him to be marked on the right breast with the letters B C; and the confirming officer may order such sentence, both in respect of the discharge and of the marking, to be carried into effect.

Power of imprisonment by different kinds of courts-martial.

27. A general, garrison, or district court-martial may sentence any soldier to imprisonment, with or without hard labour, and with or without solitary confinement, but such solitary confinement shall not

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exceed the periods prescribed by the Articles of War; and any regimental or detachment court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and with or without solitary confinement not exceeding the periods prescribed by the Articles of War.

As to imprisonment of offenders already under sentence.

28. Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude, the court may award a sentence of imprisonment or penal servitude for the offence for which he is under trial, to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded. Whenever Her Majesty, or any general or other officer authorized to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall, at the time of such commutation, be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

Regulations as to military prisons.

29. It shall be lawful for the Secretary of State for the War Department, and in India for the Governor General in Council, to set apart any buildings now erected or which may hereafter be erected, or any part or parts thereof, as military prisons, and to declare that any building or any two or more buildings shall be, and thenceforth such building or buildings shall be deemed and taken to be, a military prison; and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be

exercised by the Secretary of State for the War Department, and in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor, provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor, or provost marshal, and all other necessary officers and servants for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer or servant of any such military prison; and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor General in Council, may from time to time appoint, shall be a visitor or visitors of such prison; and the said Secretary of State, and in India the Governor General in Council, may authorize any general officer commanding on a foreign station to appoint periodically visitors to any military prison within his command; and the said Secretary of State, and in India the Governor General in Council, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in Council, have and exercise in respect of such prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or governor of a county gaol or house of correction may respectively exercise as such.

As to the custody of military

30. Every governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part

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offenders under sentence of court-martial and in other cases.

of Her Majesty's dominions shall receive into his custody any military offender under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and whenever troops are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding such troops.

As to the removal or discharge of prisoners in certain cases.

31. In the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant

general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give as often as occasion may arise an order in writing directing that the prisoner be discharged or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or

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delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence for whatever purpose such detention shall take place; and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Provision for subsistence.

32. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of Her Majesty's dominions sixpence per diem: Provided also, that in all cases where such soldier is sentenced to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and which said sum of one shilling or of sixpence, and the further sum, if any, as the case may be, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. In India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

Expiration of imprisonment of soldiers in common gaols.

33. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain, to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient to communicate, notice of the day and hour on which the imprisonment

of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in his report, together with the name of the place where the man enlisted. In all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities hereinbefore referred to.

Apprehension of deserters in the United Kingdom.

34. Upon reasonable suspicion that a person is a deserter it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier in Her Majesty's service, or other person, to apprehend or cause to be apprehended such suspected person, and forthwith to bring him or cause him to be brought before any justice living in or near the place where he was so apprehended and acting for the county, city, district, place, or borough wherein such place is situate, or for the county adjoining such first-mentioned county or such borough; and such justice is hereby authorized and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry and to remand the said suspected person in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, section twenty-one, and subject to every provision therein contained; and if it shall appear to the satisfaction of such justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath or by the knowledge of such justice, that such suspected person is a deserter, such justice shall forthwith cause him to be conveyed in civil custody to the head quarters or depôt of the regiment or corps to which he belongs, if stationed within a convenient and easily accessible distance from the place of commitment, or if not so stationed then to the nearest or most convenient public prison (other than a military prison set apart under the authority of this Act) or police station legally provided as a lock-up house for temporary confinement of persons taken into custody, whether such prison or police station be in the county or borough in which such suspected person was apprehended or in which he

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was committed, or not; or if the deserter has been apprehended by a party of soldiers of his own regiment or corps in charge of a commissioned officer, such justice may deliver him up to such party, unless the officer shall deem it necessary to have the deserter committed to prison for safe custody; and such justice shall transmit an account of the proceedings, in the form prescribed in the schedule annexed to this Act, to the Secretary of State for the War Department, specifying therein whether such deserter was delivered to his regiment or corps, or to the party of his regiment or corps, in order to his being taken to the head quarters or depôt of his regiment or corps, or whether such deserter was committed to prison, to the end that the person so committed may be removed by an order from the office of the said Secretary of State, and proceeded against according to law; and such justice shall also send to the said Secretary of State a report stating the names of the persons by whom or by or through whose means the deserter was apprehended and secured; and the said Secretary of State shall transmit to such justice an order for the payment to such persons of such sum not exceeding forty shillings as the said Secretary of State shall be satisfied they are entitled to according to the true intent and meaning of this Act; and for such information, commitment, and report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; and every gaoler and other person into whose custody any person charged with desertion is committed shall immediately upon the receipt of the person so charged into his custody pay such fee of two shillings, and also upon the production of a receipt from the medical practitioner who, in the absence of a military medical officer, may have been required to examine such suspected person, a fee of two shillings and sixpence, and shall notify the fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a copy of the commitment, to the end that such Secretary of State may order repayment of such fees; and when any such person shall be apprehended and committed as a deserter in any part of Her Majesty's foreign dominions the justice shall forthwith cause him to be conveyed to some public prison, if the regiment or corps to which he is suspected to belong shall not be in such part, or, if the regiment or corps be in such part, the justice may deliver him into custody at the nearest military post if within reasonable distance, although the regiment to which such person is suspected to belong may not be stationed at such military post; and such justice shall in every case transmit to the general or other officer commanding a descriptive return in the form pre-

In Her Majesty's foreign dominions.

scribed in the schedule to this Act annexed, to the end that such person may be removed by order of such officer, and proceeded against according to law; and such descriptive return purporting to be duly made and subscribed in accordance with the Act shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Transfer of deserters.

35. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

As to the temporary custody of deserters in gaols.

36. Any recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before joining the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty, and be liable to be transferred to any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

Desertion of recruits prior to joining their regiments or corps.

37. Any person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to

Fraudulent confession of desertion.

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be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false shall by the said justices be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner herein-before mentioned, and to transmit a statement of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; and a letter from the War Office in reply thereto, referring to such statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. In India the authority herein given to two justices may be exercised by one European justice or magistrate.

Furlough in case of sickness.

38. When there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment, according to the provisions of this Act, for any false represen-

tation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough. A.D. 1869.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

39. No person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

40. Any person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorized to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing

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Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for not maintaining their families, or for breach of contract.

such affidavit; but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any parish, township, or place, or to the common fund of any union, any relation or child which such soldier or person might, if not in Her Majesty's service, be compellable by law to relieve or maintain, or for neglecting to pay to the mother of any bastard child, or to any person who may have been appointed to have the custody of such child, any sum to be paid in pursuance of an order on that behalf, or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service shall be utterly illegal, and null and void, to all intents and purposes; and any judge of any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really

and bonâ fide apprentices, duly bound, under the age of twenty-one years, or to indentured labourers, as herein-after prescribed. A.D. 1869.

Officers not to be sheriffs or mayors, &c.

41. No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland.

Questions to be put to recruits on enlisting.

42. Every person authorized to enlist recruits shall first ask the person offering to enlist whether he belongs to the militia, and also such other questions as the military authorities may direct to be put to recruits, and shall immediately after giving him enlisting money serve him with a notice in the form set forth in the schedule to this Act annexed.

Recruits, when deemed to be enlisted.

43. Every person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

44. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included) but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment.

Dissent and relief from enlistment.

45. When a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or depôt of a regiment to the officer commanding the same; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless, upon repayment of the enlisting money, and of any sum received by him in respect of pay, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the

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district, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Enlistment for particular branch or arm of or for general service.

46. Any person may be enlisted for some particular arm or branch of service, and if he shall enlist for cavalry or infantry he shall be at liberty to declare and state the particular regiment of cavalry or infantry into which he desires to enlist, and he shall be attested for the same, and be sent thereto with all convenient speed; but if no such statement or declaration be made by such person at the time of his attestation as aforesaid, then he shall be attested for general service, and it shall be lawful for the military authorities at any time within twelve months after his attestation to attach him to such arm or branch of service, or to such regiment of cavalry or infantry, excluding colonial corps, as to them shall seem to be most fitting and convenient for Her Majesty's service: Provided always, that after the recruit shall have been attached to any regiment he shall not be removed or transferred therefrom, save and except under the provisions of any statute for the time being in force.

Attesting of recruits.

If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form contained in the schedule to this Act annexed, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the recruits shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits, until they have been attested or

47. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any recruit previously to his being attested

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shall by means of any false answer obtain enlistment money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorized to be put to recruits for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such recruit shall at any time happen to be, to adjudge such recruit, when he shall be brought before them or him, if in England, to be a rogue and vagabond, and to sentence him to be punished accordingly, and if in Scotland or Ireland, or elsewhere in Her Majesty's dominions, to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months; and the declaration made by the recruit on his attestation purporting to be made and subscribed in accordance with the schedule to this Act annexed shall, in the absence of proof to the contrary, be deemed sufficient evidence of such recruit having represented the several particulars as stated in such declaration.

received pay, not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

48. Any recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put to recruits, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct.

Attested recruits triable in some cases either before two justices or before a court-martial.

49. If any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette."

Recruits absconding.

50. If any man while belonging to a militia regiment shall enlist in and be attested for Her Majesty's army, he shall be liable

As to militiamen enlisting into regular forces.

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to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial, and further to give general directions as to the manner in which such stoppage shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment or be deemed to be a soldier in the same manner as if he had not been a militiaman at the time of his attestation: Provided that if the regiment of militia from which the man has deserted be within the United Kingdom, the Secretary of State for the War Department shall not make such latter order without the consent of the commanding officer of such regiment: Provided also, that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the commander-in-chief, order that he may reckon service for pension from the date of his attestation. If any non-commissioned officer of the volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired; and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and

also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Punishment of persons offending against laws relating to enlistment.

51. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

Enlistment and re-enlistment, and transfer to another corps abroad.

52. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorized in that behalf by the governor or officer administering the government of such colony, and in Her Majesty's dominions in India for any person duly authorized in that behalf by the governor general or lieutenant governor or other officer administering the government of any presidency, division, or province, and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorized in that behalf by the governor general, to enlist and attest or to re-engage within the local limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorized in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest within the local limits of his authority any persons desirous of enlisting in Her Majesty's Indian forces. Any such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; but no such magistrate or other person authorized to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so attested shall be deemed to be an attested soldier.

Soldiers willing may be transferred to

53. When any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorized by the officer commanding in chief at such station to receive

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succeeding corps.

as transfers as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier.

Soldiers may be transferred from one service to another.

54. It shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service or to some other regiment or corps in the same branch of the service, either within the United Kingdom or elsewhere; and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him: Provided always, that any soldier who may have volunteered for the corps of armourer sergeants, or for the army hospital corps, or military store staff corps, or the commissariat staff corps, or the corps to be hereafter organized and called the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: Provided also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps serving at the station at the time of his removal from staff employ: Provided also, that upon the conviction by court-martial of any soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement of soldiers for a further term.

55. Any person who now has or may hereafter have completed at least two thirds of the first term of his enlistment may at any time thereafter, with the approbation of his commanding officer, or other competent military authority, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service; and any person who has been a soldier, and who has received his discharge, may also be so re-engaged upon making a declaration, in the form given in the schedule annexed to this Act, before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great Britain and

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Boon service to be reckoned.

Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: Provided always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge: Provided also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: Provided also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one inclusive, or from the disembodied militia during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

Enlistment of negroes.

56. All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, and be entitled to all the privileges of natural-born subjects; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

57. Any person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful

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imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorized to receive recruits, such person may be taken as a deserter from Her Majesty's army; and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than five or four years as aforesaid: Provided also, that any master who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been

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paid to such recruit before notice given of his being an apprentice or an indentured labourer. A.D. 1869.

Punishment of apprentices enlisting.

58. No apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

Removal of doubts as to attestation of soldiers.

59. No person who shall, for six months either before or after the passing of this Act, have received pay and been borne on the strength and pay list of any regiment or corps, or depôt or battalion of a regiment or corps (of which the last quarterly pay list, if produced, shall be evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; and no person shall be exempted from the provisions of this Act or of the Articles of War for the time being by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number herein-before mentioned.

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Authorized deductions only to be made from the pay of the army.

60. No Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and sixty-nine, other than the usual deductions, or such other necessary deductions as shall from time to time be authorized or required by Her Majesty's regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service.

Suspending operation of certain Acts herein recited.

61. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: And whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act "to prevent the disorders that may happen by the marching of "soldiers, and providing carriages for the baggage of soldiers on "their march," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such

6 Anne, c. 14. s. 8. (I.)

officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army, or any considerable part thereof, should be commanded to march from one part of Ireland to another: But forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act. A.D. 1869.

Certain requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

62. And whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is provided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: And whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

How and where troops may be billeted.

63. It shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and

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soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all bât and baggage horses belonging to any of Her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses, in which suitable accommodation can be found, before making out billets for the more distant; and in all places where cavalry shall be billeted in pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses were all locally situate within such place; provided that nothing herein contained shall be construed to extend to authorize any constable to billet soldiers out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted; all which billets, when made out

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by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice then to two or more justices within whose jurisdiction such soldiers are billeted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; and when any of Her Majesty's cavalry or any horses as aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that to prevent or punish all abuses in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

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Billeting the guards in and near Westminster.

64. The officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London) and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; and the high constables shall, on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; and the said constables shall, at every general sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with the respective clerks of the peace for the inspection of all persons without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

Military officers not to act as justices in billeting.

65. No justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Allowance to innkeepers.

66. The innholder or other person on whom any soldier is billeted in Great Britain shall, if required by such soldier, furnish him for every day of the march, and for a period not exceeding two days when halted at the intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other

person furnishing the same shall be paid the sum of tenpence, and twopence halfpenny for a bed; and all innholders and other persons on whom soldiers may be billeted in Great Britain or Ireland, except when on the march in Great Britain and entitled to be furnished with the hot meal as aforesaid, shall furnish such soldiers with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each soldier; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's forces shall be billeted in Great Britain or Ireland for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a regiment, detachment, or party shall, every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, soldiers, or horses are billeted, out of the pay and subsistence of such officers and soldiers, before any part of the said pay or subsistence be distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint, and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the agent of the regiment or corps to pay the sums due to such victuallers or other persons as aforesaid, and to charge the same against such officers; and in case any soldier be suddenly ordered to march, and the respective commanding officers or non-commissioned officers are not enabled to make payment of the sums due for the lodging or victualling of the men and stabling or forage for the horses, every such officer or non-commissioned officer shall, before his departure, make up the account with every person upon whom such soldier may have been billeted, and sign a certificate thereof; which account and certificate shall be transmitted by such officer or non-commissioned officer to the agent of the regiment or corps, who is hereby required to make immediate payment thereof, and to charge the same to the account of such officer or non-commissioned officer.

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Interpretation of Act.

67. All powers and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; and all powers and provisions relating to justices shall be construed to extend to all magistrates authorized to act as such in their respective jurisdictions and to chief magistrates of exclusive local jurisdictions; and all the powers given to and regulations made for the conduct of constables in relation to the billeting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act in relation to billeting; and all powers and provisions for billeting officers and soldiers in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin, by retail, in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then to billeting soldiers in such manner as has been heretofore customary: Provided that no officer or soldier shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the War Department, or upon persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licences, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Powers and regulations as to billets.

Exemptions from billets.

Supply of carriages.

68. For the regular provision of carriages for Her Majesty's forces, and their baggage, in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorized in that behalf, shall, on production to them of such order, or a copy

thereof, certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorize the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid for carriages, and regulations relating thereto.

69. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; and in Great Britain

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such further rates may be added, not exceeding a total addition per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; provided that a cart with one or more horses for which the

furnisher shall receive ninepence a mile shall be required to carry fifteen hundredweight at the least; and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

As to supply of carriages in cases of emergency, &c.

70. It shall be lawful for Her Majesty, or for the Lord Lieutenant or chief governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the Military Department, to authorize any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or chief governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, post-chaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency

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as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

Justices empowered to reimburse constables for sums expended by them.

71. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of monies which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogue money and assessments directed and authorized to be assessed and levied by an Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Routes in Ireland.

72. It shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

73. All Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform when called out for training or in aid of the civil power, and all carriages and horses

belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying any such persons as aforesaid, or their baggage, or returning from conveying the same, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or ordinance, order or direction of any colonial legislature or other authority in any of Her Majesty's colonies; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein-before enacted. A.D. 1869.

Ferries.

74. When any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching money on discharge.

75. Every soldier entitled to his discharge shall, if then serving abroad, be sent, if he shall so require, to Great Britain or Ireland free of expense, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home, shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence, such place not being at a greater distance from the place of his discharge than the place of his original enlistment.

Ordinary course of criminal justice not to be interfered with.

Punishment of officers obstructing civil justice.

76. Nothing in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor, or of any crime or offence other than the misdemeanors and offences herein-before mentioned; and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any

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officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's superior courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the judge advocate general in London.

Penalty for disobedience by agents.

77. For enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under her sign manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

Penalty on trafficking in commissions.

78. Every person, not being an authorized army agent, who shall negotiate or act as agent for or in relation to the purchase, sale, or exchange of any commission in Her Majesty's army, shall forfeit for every such offence the sum of one hundred pounds; and every person, whether authorized as an army agent or not, who shall receive any money or reward in respect of any such purchase, sale, or exchange, or who shall negotiate or receive for any purpose whatsoever any money or consideration where no price is allowed by Her Majesty's regulations, or any money or consideration exceeding the amount so allowed, shall forfeit one hundred pounds, and treble the value of the consideration where the commission is

not allowed to be sold, or treble the excess of such consideration beyond the regular price. A.D. 1869.

Penalty for procuring false musters.

79. Every person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of fifty pounds; and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every person (except such person or persons as shall be authorized by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the Secretary of State in Council of India, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

81. Any person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

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Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling house or outhouse, or shall give any order under which any dwelling house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment

not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks

Penalty on purchasing soldiers necessaries, stores, &c.

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Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling house or outhouse, or shall give any order under which any dwelling house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment

not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks

Penalty on purchasing soldiers necessaries, stores, &c.

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Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling house or outhouse, or shall give any order under which any dwelling house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

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not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

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84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks

Penalty on purchasing soldiers necessaries, stores, &c.

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provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries, or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall in addition to such forfeiture be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove on oath before a justice of the peace, or person exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law: Provided always, that it shall be lawful for the legislature of any of Her Majesty's foreign dominions, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others

inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.

Penalties on civil subjects offending against the laws relating to billets.

86. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers in any part of the United Kingdom shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier; or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully cause to be delivered defective lists of the same; or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as herein-before provided; or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons

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who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers, on duty or on their march, for themselves or for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform when called out for training or in aid of the civil power, or for any carriages or horses belonging to Her Majesty, or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying persons or baggage or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a soldier or a recruit, with the view of fraudulently obtaining a billet, or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

On toll collectors demanding toll from officers, soldiers, or for carriages;

and on persons personating soldiers, &c.

Penalties on the military offending against the laws relating to billets.

87. If any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided that a certificate of such conviction shall be transmitted by one of the said justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall take, or knowingly suffer to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the

occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given licence, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on killing game without leave.

88. For the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

Form of actions at law.

89. Any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue not guilty, and to give all special matter in evidence to the jury; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India,

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or in the Court of Session in Scotland, and in no other court whatsoever.

Recovery of penalties.

90. All offences for which any penalties and forfeitures are by this Act imposed not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act to facili- "tate the performance of the duties of Justices of the Peace out "of Sessions, within England and Wales, with respect to summary "convictions and orders:" Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which said recited Act shall be used and applied, in Scotland and in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and "amend the Acts regulating the proceedings at Petty Sessions, and "the duties of Justices of the Peace out of Quarter Sessions, in "Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles or in any of Her Majesty's dominions beyond the seas may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of penalties.

91. One moiety of every penalty, not including any treble value of any articles, adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble

value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the general agent for the recruiting service in London, and in India to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, anything in an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," or in any other Act or Acts, to the contrary notwithstanding. Every justice or court adjudging any penalty under this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station. A.D. 1869. 5 & 6 W. 4. c. 76.

Mode of recording a soldier's settlement.

92. Any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required; provided also, that when no such examination shall have been required, the statement made by the recruit on his attestation of his place of birth shall be taken to be his last place of settlement until legally disproved.

Licences of canteens.

93. When any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two jus-

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tices within their respective jurisdictions to grant or transfer any beer, wine, or spirit licence to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licences; and the commissioners of excise, or their proper officers within their respective districts, shall also grant such licences as aforesaid; and such persons so holding canteens, and having such licences, may sell therein victuals and exciseable liquors, as empowered by such excise licence, without being subject to any penalty or forfeiture.

Attestation of accounts.

94. All muster rolls and accounts and pay and pension lists which are required to be verified by declaration shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation.

Commissaries, &c. to attest their accounts.

95. All commissaries, regimental paymasters, and all other accountants for military services, storekeepers, and barrack masters, upon making up their accounts, and all commissaries and storekeepers upon returning from any foreign service, shall severally make the respective declarations described in the schedule to this Act annexed; which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other person authorized to administer oaths and declarations, and if made on foreign service shall be made before the officer commanding in chief, or the second in command, or the quartermaster or deputy quartermaster general or any assistant quartermaster general of the army, who shall respectively have power to administer and receive the same.

Administration of oaths.

Perjury.

96. All oaths and declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any justice of the peace, or other person having authority to administer oaths and declarations; and any person taking a false oath or declaration where an oath or declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt perjury, or of wilfully making a false declaration, and being thereof duly convicted shall be liable to such pains and penalties as by law any person convicted of wilful and corrupt perjury is subject and liable to; and every commissioned officer convicted before a general court-martial of perjury, or of wilfully making a false declaration, shall be cashiered, and every soldier or other person amenable to the provisions of this Act found guilty thereof by a general, district, or garrison court-martial shall be punished at the discretion of such court. In India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted,

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if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings under this Act, shall be deemed guilty of wilful and corrupt perjury, and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

97. All crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: Provided always, that no person shall be liable to be tried or punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Officers and soldiers to conform to 26 & 27 Vict. c. 57., &c.

98. It shall be the duty of all officers and soldiers to observe and conform to the provisions contained in "The Regimental Debts Act, 1863," and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the royal sign manual.

Where troops are serving beyond the jurisdiction

99. In all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in council, actions of debt and all personal actions

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of the courts of requests, &c., actions of debt not exceeding 400 rupees to be cognizable by a military court.

against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post is hereby authorized and empowered to convene. Whenever owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorize the assembly of a court by the officer commanding at the nearest place where such court can be formed. Courts of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer; and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

'I swear, that I will duly administer justice 'according to the evidence in the matters that shall be brought 'before me. So help me GOD.'

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts-martial. All actions of debt and personal actions against persons amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the extent of its powers; and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments. In regard to awards of execution general civil

courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court, and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction: Provided always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: Provided also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section. A.D. 1869.

Provisions relating to courts-martial on

100. The government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within

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officers and soldiers of Her Majesty's Indian forces.

such presidencies respectively; and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

As to trial of officers and soldiers serving in India.

101. Any officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which, if committed in England, would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general court-martial; and such general or other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence; or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit: Provided always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presi-

dency in the territories subordinate to which the offender shall have been tried: Provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever. A.D. 1869.

102. This Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and sixty-nine inclusive until the twenty-fifth day of April one thousand eight hundred and seventy; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and sixty-nine inclusive until the first day of May one thousand eight hundred and seventy; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and sixty-nine inclusive until the first day of August one thousand eight hundred and seventy; and shall be and continue in force in all other parts of Europe where Her Majesty's forces may be serving, and in the West Indies and America, from the first day of September one thousand eight hundred and sixty-nine inclusive until the first day of September one thousand eight hundred and seventy; and shall be and continue in force in India, and within the Cape of Good Hope, the Isle of France or Mauritius and its dependencies, Saint Helena, and the settlements on the western coast of Africa, from the first day of January one thousand eight hundred and seventy inclusive until the first day of January one thousand eight hundred and seventy-one; and shall be and continue in force within British Columbia and Vancouver's Island from the date of the promulgation thereof in general orders there inclusive until the first day of January one thousand eight hundred and seventy-one; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and seventy-one inclusive until the first day of February one thousand eight hundred and seventy-two: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein stated to the contrary notwithstanding. Duration of this Act.

103. The words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being. Interpretation.

104. The ninth section of The Army Enlistment Act, 1867, and the tenth section of the same Act, except as to enlistments which may have been made thereunder, are repealed. Repealing section.

SCHEDULES referred to by the foregoing Act.

NOTICE to be given to a RECRUIT at the time of his ENLISTMENT.

Date 186 .

*

TAKE notice, that you enlisted with at o'clock† on the day of for the regiment [*instead of the words* "for the regiment" *any words may be substituted which are applicable to the case*], and if you do not come to [*here name some place*] on or before o'clock† on the day of for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representation at the time of attestation, or false answers to the questions now asked of you.

Signature of the non-commissioned officer serving the notice. }

* Name of the recruit. † A.M. or P.M., as the case may be.

QUESTIONS this day put to the RECRUIT before ENLISTMENT, as required by the MUTINY ACT.

1. What is your name? - - -
2. In what parish, and in or near what town, and in what county were you born? - -
3. What is your age? - - - -
4. What is your trade or calling? - -
5. Are you an apprentice? - - -
6. Are you married, or a widower, and, if so, have you any children? - - - -
7. Do you now belong to any regiment or any corps in Her Majesty's army, or to the militia, or to the Naval Coast Volunteers, or to the Royal Naval Reserve Force? - -
8. Have you ever served in the army, marines, or in Her Majesty's Indian Forces? -
9. Have you ever been rejected as unfit for Her Majesty's service? - - -
10. Have you ever been marked with the letter D. or letters B.C.? - - -

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ATTESTATION PAPER.

Questions to be put to the recruit before attestation.

1. What is your name? - - _____
2. In what parish, and in or near what town, and in what county were you born? - - - In the parish of _____ in or near the town of _____ in the county of _____
3. What is your age? - - - - _____ years _____ months.
4. What is your trade or calling? - _____
5. Are you an apprentice? - - _____
6. Are you married? - - - - _____
7. Do you now belong to the militia, or to the Naval Coast Volunteers, or to the Royal Naval Reserve Force? or Do you belong to any regiment or corps in Her Majesty's army? _____
8. Have you ever served in the army, marines, militia, navy, or in Her Majesty's Indian Forces? * - _____

* If so, the recruit is to state the particulars of his former service, and the cause of his discharge, and is to produce his parchment certificate of discharge.

9. Have you ever been rejected as unfit for Her Majesty's service, or for Her Majesty's Indian Forces, upon any prior enlistment? - - _____
10. Have you ever been marked with the letter "D" or the letters "B.C."? - - - - _____
11. Where, when, and by whom were you enlisted? - - - - - At _____ on the _____ day of _____ at _____ o'clock, _____ m. By _____
12. Did you receive a notice, and did you understand its meaning? - _____
13. For what bounty and kit did you enlist? - - - - _____ and a free kit.
14. Have you any objection to make to the manner of your enlistment? _____
15. Are you willing to be attested to serve in the regiment of or for "general service" for the term of twelve years, provided Her Majesty should so long require your services; and also for such further term, not exceeding twelve months, as shall be directed by the commanding officer on any foreign, colonial, or Indian station? - - - - _____

Signature of recruit _____

Witness _____

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Declaration to be made by Recruit on Attestation.

I do solemnly and sincerely declare, that to the best of my knowledge and belief the above answers to the foregoing questions made and signed by me are true; and that I am willing to be attested for the term of twelve years, provided Her Majesty should so long require my services, and also for such further term, not exceeding twelve months, as shall be directed by the commanding officer on any foreign, colonial, or Indian station.

Signature of recruit _____

Signature of witness _____

Oath to be taken by a Recruit on Attestation.

I do make oath, that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors, and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me. So help me GOD.

Witness my hand,

Signature of recruit _____

Witness present _____

The above questions were asked of the said and answered by him in my presence, as herein recorded; and the said made the above declaration and oath before me at this day of one thousand eight hundred and at o'clock, m.

Signature of the justice _____

Note.—The recruit should, if he requires it, receive a certified copy of the declaration.

It is desirable that at least half an hour beyond the twenty-four hours prescribed by the Mutiny Act should have expired before attestation, and that a recruit should invariably be attested at least half an hour before the expiration of ninety-six hours from the time of enlistment.

Declaration to be made by a Soldier, or Person having been a Soldier, on renewing his service.

I do declare, that I am at present (1) in captain company, in the regiment; (2) that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, in regiment (2) for such further term as shall complete a total service of twenty-one years, provided my services should so long be required, and also for such further term, not exceeding twelve months, as shall be directed by the commanding officer on any foreign, colonial, or Indian station.

(1) Or was, as the case may be.

(2) The foregoing portion of this declaration may be altered, by substituting the word "corps" for "regiment," to suit each particular case.

Declared before me _____

Date _____

Place, at _____

_____ *Signature of soldier.*

_____ *Signature of witness.*

Form of Oath to be taken by a Master whose Apprentice has absconded.

I of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of , for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

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Form of Justice's Certificate to be given to the Master of an Apprentice.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

Form of Oath to be taken by a Master whose indentured Labourer in any of Her Majesty's colonies or possessions has absconded.

I of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent.

Witness, *&c.* [*as for apprentice.*]

Form of Justice's Certificate to be given to the Master of an indentured Labourer.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of and made oath that was bound to serve as an indentured labourer to him by indenture dated the day of for the term of years, and that the said indentured labourer did on or about the day of abscond and quit the service of the said without his consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S or PURVEYOR'S ACCOUNTS.

I do solemnly and sincerely declare, that I have not applied any monies or stores or supplies under my care or distribution to my own use, or to the private use of any other person by way of loan to such person or otherwise, or in any manner applied them, or knowingly permitted them to be applied, to any other than public purposes, according to the duty of my office.

Declared before me by the within-named }
this day of }

Justice of the Peace of
or *commander-in-chief*, or *second in command, et cætera, the army serving in et cætera* [*as the case may be*].

FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I , storekeeper at , do hereby solemnly and sincerely declare, that I have charged myself in this account with the several sums drawn for or received by me on imprests, or for rents, sale of old stores, or for any other article or service; that they are just and true, and include every sum for which I am accountable during the period stated. I also solemnly declare, that I have not, directly or indirectly, received any profit, fee, emolument, or advantage whatever beyond my salary and authorized allowances, except the trifling advantage which may have arisen in respect to the fractional parts of a penny in the totals of the pay lists, as sanctioned by the regulations of 19th December 1832 $\frac{s}{1176}$ (see Art. 246, at page 65, of Home Regulations); and I further solemnly declare, that the several sums of money for which I have taken credit as disbursements in this account, amounting to , have been actually and bonâ fide paid by me for the respective services, without any deductions, to the several persons entitled to the same, and that the receipts which accompany this account have been actually

A.D. 1869. signed and witnessed by the persons stated therein; and I make this declaration, conscientiously believing the same to be true.

_____,

Storekeeper at _____.

Declared before me at _____ this _____ day of _____ 18 ,

_____,

Magistrate for _____.

FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I , barrack master of the barracks at , do hereby solemnly and sincerely declare, that I have charged myself in this account with the several sums drawn for or received by me on imprests, or for rents, damages, and deficiencies, washing sheets, or for any other article or service; that they are just and true, and include every sum for which I am accountable during the period stated. I also solemnly declare, that I have not, directly or indirectly, received any profit, fee, emolument, or advantage whatever from or on account of the purchase or issue of any of the articles for the service of the said barracks, nor have I any property in lands, houses, tenements, or any article used or employed in the service of the War Department; and I further solemnly declare, that the several sums of money for which I have taken credit as disbursements in this account, amounting to , have been actually and bonâ fide paid by me for the respective services, without any deductions, to the several persons entitled to the same, and that the receipts which accompany this account have been actually signed and witnessed by the persons stated therein; and I make this declaration, conscientiously believing the same to be true.

_____,

Barrack Master at _____.

Declared before me at _____ this _____ day of _____ 18 ,

_____,

Magistrate for _____.

Form of Declaration of Attestation of a Paymaster's Accounts. A.D. 1869.

I do solemnly and sincerely declare, that the foregoing pay list of the regiment of , for the period ended 186 , contains charges of pay for only such non-commissioned officers, drummers, fifers, buglers, and privates as were effective and entitled to pay during, and regularly mustered at, the periods set against their names; that all those men who were not present at the respective musters taken by me on the , the , and the have the true reasons of their absence stated against their names; and that every absence affecting the pay or allowances of such men which occurred between the respective musters is properly accounted for.

Also, that the list of commissioned officers prefixed to the said pay list contains a true and just statement of the names of all the commissioned officers who have been effective and entitled to pay as belonging to the said regiment for the periods therein set down against their respective names; also, that all the remarks opposite to their names on the muster roll have been correctly copied therein; and that the sum debited in the general state of this pay list for the pay of officers has been actually received by me and paid to them respectively.

Also, that the whole of the sums debited in this pay list and account, amounting to , have been actually and bonâ fide disbursed by me in conformity with the established regulations, and that the total sum received, drawn for, or required to be remitted for the several services therein charged, including every receipt whatever, for which I am required to give credit in these accounts, is .

Also, that the statement at the foot of this page contains a full and correct list of all abstracts of examination, and of all decisions on abstracts of examination, of the pay list of this regiment received between the of 186 (the date of the last pay list transmitted to the War Office being that for the period ended the 186) and the of 186 , the date of this pay list.

Also, that the total amount of the sums disallowed in the said decisions is credited in this pay list, in conformity with article 21 of the explanatory directions, dated the 1st July 1848.

Also, that to the best of my knowledge and belief both my sureties are now living; that the property of each is at least double that for

A.D. 1869. which he is surety; and that they respectively reside at the places under mentioned.

Names of sureties.	Places of residence.
_____	_____
_____	_____

_____ *Paymaster.*

Declared and subscribed before me, at this day of 186 . } _____ *Justice of the Peace for* _____

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a MILITARY ACCOUNTANT.

I HEREBY solemnly and sincerely declare, that this account, comprised in folios, is just and true, according to the best of my knowledge, information, and belief; and I make this declaration, conscientiously believing the same to be true.

_____ *Military Accountant.*

Declared before me, at this day of 18 . } _____ *Justice of the Peace for* _____

No. A.D. 1869.

Description Return of who was apprehended [*or* "surrendered himself," *as the case may be,*] on the day of and was committed to confinement at on the day of as a deserter from [*insert regiment or corps*].

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable date of enlistment, and where	
Probable date of desertion, and from what place.	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured.	
* Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds.	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he † a deserter from the above-mentioned corps.

———— *Signature and address of magistrate.*

———— *Signature of prisoner.*

———— *Signature of informant.*

† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him ‡ for military service.

———— *Signature of military medical officer, or of* § *private medical practitioner.*

‡ Insert "fit" or "unfit," as the case may be; and, if unfit, state the cause of unfitness.

§ No fee will be allowed to a private medical practitioner where a military medical officer is stationed, unless it is shown that his services were not available.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 5.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [19th April 1869.] A.D. 1869.

WHEREAS it is judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the commissioners for executing the office of Lord High Admiral aforesaid: And whereas the said forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea: And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite for the retaining of such forces in their duty that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of any other crime or offence in breach of or to the prejudice of good order and discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Lord High Admiral, &c. to make

1. It shall be lawful for the said Lord High Admiral, or the commissioners for executing the office of Lord High Admiral aforesaid, from time to time to make, ordain, alter, and establish rules and

A.D. 1869.

articles for the punishment of mutiny, desertion, &c.

articles of war, under the hand of the said Lord High Admiral, or under the hands of any two or more of the said commissioners, for the better government of Her Majesty's Royal Marine forces, and for the punishment of mutiny, desertion, immorality, breach of discipline, misbehaviour, neglect of duty, and any other offence or misconduct of which they shall be guilty, in any place on shore or afloat in or out of Her Majesty's dominions, or at any time when or under any circumstances in which they shall not be amenable to the laws for the government of Her Majesty's ships, vessels, and forces by sea, and for regulating the proceedings of courts-martial, which rules and articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the secretary of the Admiralty for the time being (certified under his hand) to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad; provided that no person within the United Kingdom of Great Britain and Ireland or within the British Isles shall by such articles of war be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which may be inconsistent with the provisions of this Act.

As to offences against former mutiny Acts and articles of war.

2. All crimes and offences committed against any former Act made for the regulation of the Royal Marine forces while on shore, or against any of the rules, regulations, or articles of war made and established by virtue of the same, may, during the continuance of this Act, be tried, inquired of, and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act; and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same: Provided always, that no person shall be liable to be tried and punished for any offence against any of the said Acts or articles of war which shall appear to have been committed more than three years before the date of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the

Limitation as to time.

impediment shall have ceased; and provided also, that if any officer or marine in any place beyond the seas shall commit any of the offences punishable by court-martial under this Act, and shall escape and come or be brought into this realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such offence had been committed within this realm. A.D. 1869.

Provisions of this Act to extend to Jersey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and to the provisions for trial and punishment of officers and marines who shall be charged with mutiny and desertion or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any marine or deserter, or who shall cause the colour of any such clothes to be changed; and also to the provisions for exempting marines from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

The ordinary course of law not to be interfered with.

4. Nothing in this Act contained shall be construed to extend to exempt any officer or marine from being proceeded against by the ordinary course of law when accused of felony or misdemeanor, or of any misdemeanor other than the misdemeanor of refusing to comply with an order of justices for the payment of money; and any commanding officer who shall neglect or refuse, when due application shall be made to him for that purpose, to deliver over to the civil magistrate any officer or marine, or who shall wilfully obstruct, neglect, or refuse to assist any peace officer in apprehending any such offender, shall, upon conviction thereof in any of Her Majesty's courts at Westminster, Dublin, or Edinburgh, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any civil or military office or employment in Her Majesty's service; and a certificate of such conviction shall be transmitted to the secretary of the Admiralty.

No person tried by civil

5. No person subject to this Act having been acquitted or convicted of any crime or offence by the civil magistrate or by the

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power to be punished by court-martial for same offence except by cashiering, &c.

verdict of a jury shall be liable to be again tried for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class, or to the rank of a private marine, by order of the Lord High Admiral, or the commissioners for executing the office of Lord High Admiral, or in the case of a non-commissioned officer, by reduction to the ranks, by order of the commandant of the division to which such non-commissioned officer may belong; and whenever any officer or marine shall have been tried before a court of ordinary criminal jurisdiction, the clerk of the court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the division to which such officer or marine belongs, transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, and entry of judgment thereon or acquittal of such officer or marine, and shall be allowed for such certificate a fee of three shillings.

Marines to be subject to the discipline of the navy while on board ship.

6. All of Her Majesty's Royal Marine forces shall, during the time they shall be respectively borne on the books of or be on board any of Her Majesty's ships or vessels in commission, either as part of the complement or as supernumeraries, or otherwise, be subject and liable in every respect to the laws for the government of Her Majesty's forces by sea, and to the rules and discipline of the Royal Navy for the time being, and shall and may be proceeded against and punished for offences committed by them whilst so borne or on board, in the same manner as the officers and seamen employed in the Royal Navy may be tried or punished; except when and so long as any marine officers or marines shall be landed from any of Her Majesty's ships, and be employed in military operations on shore, and when on such occasions the senior naval officer present shall deem it expedient to issue an order declaring that such marine officers and marines shall during such employment on shore be subject to the regulations of this Act, in which cases, and while such order shall remain in force, they shall be subject to such regulations, and be tried and punished under this Act accordingly for any offences to be committed by them while so on shore; and, with or without any commission or warrant from the said Lord High Admiral or the said commissioners for that purpose, the officer commanding in chief or commanding for the time being any such marine officers or marines shall have power and authority to convene, and to authorize any officer to convene, courts-martial under this Act, as occasion may require, for the trial of offences

committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command: Provided always, that if any marine officer or marine so borne on the books of any of Her Majesty's ships or otherwise shall commit any offence for which he shall not be amenable to a naval court-martial, he may be tried and punished for the same in the same manner as other officers or marines may be tried and punished for the like offences under the authority of this Act; or if the commissioners for executing the office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any offence committed by him on shore, whether he be or be not amenable to a naval court-martial for the same. A.D. 1869.

Power to Lord High Admiral, &c. to grant commissions for holding general courts-martial, &c.

7. It shall be lawful for the said Lord High Admiral, or the commissioners for executing the office of Lord High Admiral aforesaid, from time to time to grant commissions or warrants under the hand of the said Lord High Admiral, or under the hands of any two or more of the said commissioners, for the holding of general and other courts-martial within the United Kingdom of Great Britain and Ireland, and elsewhere out of the same, in like manner as has been heretofore used, and for bringing offenders against this Act and the articles of war to justice, and to erect and constitute courts-martial, as well within the said United Kingdom and the British Isles as in any of Her Majesty's garrisons or dominions or elsewhere beyond the seas, and to grant commissions or warrants to the officer or officers commanding in chief or commanding for the time being any of Her Majesty's Royal Marine forces, as well within the said United Kingdom as Her Majesty's other dominions, and in any foreign parts out of the same dominions, for convening, as well as for authorizing any officer to convene, courts-martial, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command, or before or after any such commission or warrant shall be granted, provided that the officer so authorized be not below the degree of a field officer, except in detached situations beyond seas, where a captain may be authorized to convene district or garrison courts-martial; and any person subject to this Act who shall, in any of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the articles of war, may be tried and punished for the same in any part of Her Majesty's dominions, or other place where he may have

Place where offenders may be tried.

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come or be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Power of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer of marines or marine to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service; but no sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein. No sentence of penal servitude shall be for a period of less than five years, and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any marine to such punishments as shall accord with the provisions of this Act; provided that the sentence of a district or garrison court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, and that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of divisional and detachment courts-martial.

10. A divisional or detachment court-martial shall consist of not less than five commissioned officers, unless it be found impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any marine to corporal punishment or to imprisonment, and forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in transport ships, &c.

11. In cases of mutiny and insubordination accompanied with personal violence or of other offences committed on the line of march, or on board any transport ship, convict ship, or merchant vessel, the offender may be tried by a divisional or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in immediate command, provided that the sentence shall not exceed that which a divisional court-martial is competent to award.

Powers of detachment

12. It shall be lawful for any officer commanding any detachment or portion of Her Majesty's Royal Marine forces, upon com-

plaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which Her Majesty's Royal Marine forces are so serving by any person under the immediate command of any such officer, to summon and cause to be assembled a detachment general court-martial, which shall consist of not less than three commissioned officers, for the trial of any such person, notwithstanding such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon offenders, as are granted by this Act to general courts-martial: Provided always, that no sentence of any such detachment court-martial shall be executed until the officer commanding the army to which the division, brigade, detachment, or party to which any person so tried shall belong shall have approved and confirmed the same.

general courts-martial.

13. When it is necessary or expedient, a court-martial composed exclusively of officers of the Royal Marines, or a court-martial composed of officers of Her Majesty's Army, or of Her Majesty's Indian Army, or of both or of either, together with officers of the Royal Marines, whether the commanding officer by whose order such court-martial is assembled belongs to the land or to the marine forces, may try a person belonging to any one of the said three services; provided that when the person to be tried shall belong to Her Majesty's Royal Marine forces, then the provisions of this Act, or of such Act as shall be then and there in force for the regulation of Her Majesty's Royal Marine forces while on shore, and the oaths therein respectively prescribed, and the rules and articles of war relating to the Royal Marines then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; but where the person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's Indian Army, and be within the United Kingdom, then the proceedings of such court shall be regulated as if the court were composed of officers of Her Majesty's Army only, and the provisions of the Act then and there in force for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, and the oaths therein prescribed, and the rules and articles of war relating to Her Majesty's Army then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; and where the person to be tried shall belong to Her Majesty's Indian Army, and be out of the United Kingdom, the provisions of such Act or Acts as shall be then and there in force for punishing mutiny

Officers of the marine and land forces may sit in conjunction on courts-martial.

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and desertion of officers and soldiers in Her Majesty's Indian Army, and the rules and articles of war, if any, relating to such officers and soldiers then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto.

If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.

14. Provided there be no superior officer of Her Majesty's land forces present in command of a district, garrison, station, or place where marines may be serving, it shall be lawful for any officer of the Royal Marine corps of the degree of a field officer, and holding a commission from the Lord High Admiral, or the commissioners for executing the office of Lord High Admiral, for that purpose, but not otherwise, to convene or assemble a district or garrison court-martial, to be composed as before stated, and for such court to proceed to try any marine or marines below the rank of commissioned officer for any of the offences cognizable by a district or garrison court-martial; but the sentence so awarded by any such court shall not be carried into effect until the senior officer of the Royal Marines in the district, garrison, station, or place, not being a member of the court, shall have confirmed the same: provided always, that if there be any such superior officer of Her Majesty's land forces present in command of the district, garrison, station, or place where marines may be, in such case it shall be lawful for him to convene or assemble such district or garrison court-martial for the trial of any marine or marines below the rank of a commissioned officer, and for such court-martial to try any such marine or marines in conformity with the provisions of this Act and the articles of war to be made in pursuance hereof; but the sentence which may be awarded by any such court which may be convened or assembled by any such superior officer shall not be carried into effect until such superior officer shall have confirmed the same.

President of courts-martial.

15. The president of every court-martial shall be appointed by or under the authority of the officer convening such courts, and shall in no case be the confirming officer, or the officer whose duty it has been to investigate the charges on which the prisoner is to be arraigned, nor, in the case of a general court-martial, under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain, save in the case of a detachment general court-martial holden out of Her Majesty's dominions, or of a divisional or detachment court-martial holden on the line of march, or on board a transport ship, convict ship, merchant vessel, or troop ship not in commission, or on any foreign station where a captain cannot be had: Provided always, that in the case of

a detachment general court-martial holden out of Her Majesty's dominions the officer convening such court may be the president thereof. A.D. 1869.

Proceedings at trial.

16. In all trials by court-martial, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers, and if the prisoner shall then object to the president, such objection, unless allowed by two thirds at least of the other officers appointed to form the court, shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers so aforesaid appointed to form the court; and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall be made or allowed, or if no challenge whatever shall have been made, or, if made, not allowed, the president and the other officers composing a general court-martial shall take the oaths in the schedule to this Act annexed before the judge advocate or his deputy or person officiating as judge advocate, and on trials by other courts-martial before the president of such court, who are hereby respectively authorized to administer the same, and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon.

Swearing and summoning witnesses.

17. All general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate, or the person officiating as such, and in the case of all other courts-martial by the president of the court; and all persons so

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summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the court of session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge by any affidavit in a summary way that such witness was arrested in going to, attending upon, or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or not produce the documents being under their power or control required to be produced by them, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the court of Queen's Bench in London or Dublin, or in the court of session, sheriff or stewart courts in Scotland, or in the courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness had, after being duly summoned or subpœnaed, neglected to attend on a trial in any proceeding in the court in which such complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

No second trial, but revision allowed.

18. No officer or marine who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

19. If any person who is or shall be commissioned or in pay as an officer of Royal Marines, or who is or shall be listed or in pay as a non-commissioned officer, drummer, or private man in Her Majesty's Royal Marine forces, shall at any time during the continuance of this Act, while on shore in any place within the said kingdom, or in any other of Her Majesty's dominions, or in

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any foreign parts out of such dominions, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of Her Majesty, or on board any convict hulk or ship, or any other ship or vessel, or in any place whatever, where or while being in any circumstances in which he shall not be subjected to, or not be liable to or punishable by, the laws relating to the government of Her Majesty's forces by sea, begin, excite, cause, or join in any mutiny or sedition in Her Majesty's marine or other forces, or shall not use his utmost endeavours to suppress any such mutiny or sedition, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or any other to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before being regularly relieved, or shall sleep on his post; or shall hold correspondence with or give advice or intelligence to any rebel, pirate, or enemy of Her Majesty, either by letters, messages, signs, tokens, or any other ways or means whatever; or shall treat or enter into any terms with any such rebel, pirate, or enemy, without the licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being; or shall strike or use or offer any violence against his superior officer being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other officer being in the execution of his office, or shall violate any law or regulation of or relating to any military prison; or shall desert from Her Majesty's Royal Marine forces; every person so offending in any of the matters before mentioned, whether such offence be committed within this realm, or in any other of Her Majesty's dominions, or in foreign parts upon land or upon the sea, shall suffer death or penal servitude or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or marine in pay in any division or

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company who shall, without having first obtained a regular discharge therefrom, enlist himself in any other division or company, or in any other branch of Her Majesty's service, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Commutation of death for penal servitude or imprisonment, &c.

20. In all cases where the punishment of death shall have been awarded by a general court-martial or by a detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept to penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Embezzlement punishable by penal servitude, imprisonment, &c.

21. Any officer or marine, or any person employed or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to any of Her Majesty's forces or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks, if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained; and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the court of exchequer in Scotland, or in any court in Her Majesty's colonies where the person sentenced by such court-martial shall be resident after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of

22. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter to be passed upon any offender

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Sentences of penal servitude in the United Kingdom.

by any court-martial shall be carried into execution for the term specified in such sentence, or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death which shall have been passed by any such court, such sentence, together with Her Majesty's pleasure upon the same, shall be notified in writing by the Lord High Admiral, or by the secretary to the Admiralty for the time being, to any justice of the Queen's Bench, Common Pleas, or baron of the Exchequer, and thereupon such justice or baron shall make an order for the penal servitude of such offender upon the terms and for the time which shall be specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is authorized to make or do by any statute or statutes in force at the time of making any such orders in relation to penal servitude of offenders; and such order, and other acts to be so made and done as aforesaid, shall be obeyed and executed by such person in whose custody such offender shall at that time be, and by all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of any statute with respect to any offender in such statute mentioned; and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order, as they would be if the same had been made under the authority of any such Act of Parliament; and every person so ordered to be kept in penal servitude shall be subject respectively to all and every the penalties and provisions made by law and in force concerning persons under sentence of penal servitude, or receiving Her Majesty's pardon on condition of penal servitude; and from the time when such order of penal servitude shall be made every law and statute in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape or the returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the clerk of the crown of the court of Queen's Bench; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than

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two shillings and sixpence for the same) to such offender, or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms in which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England, and such order shall be in all respects as effectual in England as though such offender had been convicted in England and the order had been made by any judge of the Queen's Bench, Common Pleas, or Exchequer in England.

As to execution of sentences in the colonies.

23. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial has been held; and if in any other part of Her Majesty's foreign dominions, to the chief justice or some other judge therein, who shall make order for the penal servitude or intermediate custody of such offender; and upon any such order being made it shall be duly notified to the governor of the presidency if in the East Indies, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced or where he may come or be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of Her principal secretaries of state to such presidency or colony; and such offender shall, according to such directions, undergo the sentence of penal

servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony or in the colony or place to which he has been so removed or sent respectively.

Sentence of penal servitude may be commuted for imprisonment.

24. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Of forfeitures, when combined with penal servitude.

25. Where an award of any forfeiture, or of deprivation of pay, or of stoppages of pay shall have been added to any sentence of penal servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of convict after sentence of penal servitude.

26. When any sentence of death shall be commuted for penal servitude, or when any marine shall by court-martial be adjudged to penal servitude as authorized by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged or may belong to cause him to be detained and conveyed to any gaol or prison, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his penal servitude to be made by some justice of the Queen's Bench or Common Pleas or baron of the Exchequer as aforesaid; and a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority

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to the governor, keeper, or superintendent of the gaol or prison to receive and detain him: Provided always, that in case of any such offender being so conveyed to gaol or prison the usual allowance of sixpence per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, shall be made to the keeper of the gaol or prison for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division, upon production to him, by the said governor, keeper, or superintendent, of a declaration, to be made by him before one of Her Majesty's justices of the peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol or prison.

Power to inflict corporal punishment in certain cases.

27. No court-martial shall, for any offence whatever committed in time of peace within the Queen's dominions, have power to sentence any marine to corporal punishment: Provided, that any court-martial may sentence any marine to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

28. It shall be lawful for any general, district, or garrison court-martial to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed herein-after or by the articles of war, and in case of a marine in addition to corporal punishment.

Power to commute corporal punishment.

29. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or for the officer authorized to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement hereinbefore mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

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Power to commute a sentence of cashiering.

30. It shall be lawful for Her Majesty, in all cases whatsoever instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Forfeiture of pay and pension by sentence of court-martial.

31. Any general court-martial may, in addition to any other punishment which such court may award, sentence any offender to forfeiture of all advantage as to additional pay, good-conduct pay, and to pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, or to forfeiture of any annuity and medal which may have been granted for former meritorious service, or of the gratuity and medal awarded for former good conduct, and of all medals and decorations, according to the nature of the case; and any district or garrison court-martial may also, in addition to any punishment which such court may award, sentence any offender to such forfeiture for desertion, or for disgraceful conduct,

In wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or of causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service:

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, or delaying his cure:

In malingering or feigning disease:

In tampering with his eyes, with intent thereby to render himself unfit for service:

In stealing or embezzling Government property or stores, or in receiving the same knowing the same to have been stolen:

In stealing any money or goods the property of a comrade, of a marine officer, or of any marine mess or band, or in receiving any such money or goods knowing the same to have been stolen:

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public money intrusted to him:

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Or in committing any other offence of a felonious or fraudulent nature, to the injury of, or with intent to injure, any person, civil, marine, or military:

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

Forfeiture of pay on conviction of desertion or felony.

32. Every marine who shall be found guilty by a court-martial of desertion, of wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or of causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service, of tampering with his eyes with intent thereby to render himself unfit for service, such finding having been confirmed, or found guilty by a jury of felony in any court of ordinary criminal jurisdiction in England or Ireland, or of any crime or offence in any court of criminal judicature in any part of the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in England, amount to felony, shall thereupon forfeit all advantage as to additional pay, good-conduct pay, and to pension on discharge which might have otherwise accrued from the length of his former service, in addition to any punishment which such court may award; and every marine who may be so convicted, or who may be sentenced to penal servitude, or discharged with ignominy, shall thereupon likewise forfeit all medals which he may be in possession of, whether for sea or field service or for good conduct, together with any annuity or pension or gratuity, if any, thereto appertaining; and any sergeant reduced to the ranks by sentence of court-martial may, by the order of the same court, be made to forfeit any annuity or pension and medal for meritorious service, or any or either of them, which may have been conferred upon him.

Forfeiture of pay when in confinement;

33. If any non-commissioned officer or marine, by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service, as herein-after provided, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his time of service may have been prolonged; and no marine shall be entitled to pay, or to reckon

or during absence on

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service towards pay or pension, when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession or under any charge of which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt; and when any marine shall be absent as a prisoner of war he shall not be entitled to pay, or to reckon service towards pay or pension, for the period of such absence, but upon rejoining Her Majesty's service due inquiry shall be made by a court-martial, and unless it shall be proved to the satisfaction of such court that the said marine was taken prisoner through wilful neglect of duty on his part, or that he had served with or under, or in some manner aided, the enemy, or that he had not returned as soon as possible to Her Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion thereof, and to reckon service during his absence; and any marine who shall be convicted of desertion, or of absence without leave, shall, in addition to any punishment awarded by the court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any marine shall absent himself without leave for any period, and shall not account for the same to the satisfaction of the commanding officer, or if any marine shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorized to award, order that such marine shall be imprisoned for such period not exceeding one hundred and sixty-eight hours, with or without hard labour, and with or without solitary confinement, as the said commanding officer may think fit, and such marine shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any marine who shall have so absented himself as aforesaid shall forfeit his pay for the day or days during which he shall have so absented himself; and, in pursuance of any such order as aforesaid, the pay of the marine shall be accordingly forfeited: Provided always, that such marine shall not be liable to be afterwards tried by a court-martial for any offence for which he shall have been so punished, ordered to suffer imprisonment, punishment, or forfeiture as last aforesaid: Provided also, that any marine who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a court-martial for his offence,

commitment under a charge, or in arrest for debt;

or when prisoner of war;

or when convicted of desertion or absence without leave;

or when absent without leave.

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instead of submitting to such imprisonment or forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the payment of the whole or any part of the pay of any officer or marine during the period of absence by any of the causes aforesaid.

Forfeiture of pay and liquor for habitual drunkenness.

34. Any general, garrison, or district court-martial before which any marine shall be convicted of habitual drunkenness shall deprive such marine of such portion of his pay for such period not exceeding two years, and under such restrictions and regulations as may accord with the Articles of War to be made in pursuance of this Act, subject to restoration on subsequent good conduct; and every divisional or detachment court-martial shall deprive a marine convicted of a charge of habitual drunkenness of such portion of his additional or regular pay for such period not exceeding six months, and under such restrictions and regulations as may accord with the said Articles of War, subject to restoration on subsequent good conduct; and in addition to such deprivation of pay the court may, if it shall think fit, sentence such offender to any other punishment whatsoever which the court may be competent to award: Provided that a marine so sentenced to the forfeiture of pay who shall be quartered or removed to a station where liquor forms a part of his ration, and is issued in kind, shall be deprived of his liquor in kind, instead of being deprived of one penny of his daily pay, for so long a time as he shall remain in such station, and such sentence of forfeiture of pay shall remain in force.

Forfeiture of pay for drunkenness on duty.

35. Any court-martial may sentence any marine for being drunk on duty under arms to be deprived of a penny a day of his pay for any period not exceeding sixty days, and for being drunk when on any duty not under arms, or for duty or on parade or on the line of march, to be deprived of a penny a day of his pay for any period not exceeding thirty days, and such deprivation may in either case be in addition to any other punishment whatsoever which such court may award.

Stoppages.

36. In addition to any other punishment which the court may award, a court-martial may further direct that any offender may be put under stoppages until he shall have made good—

Any bounty fraudulently obtained by him by desertion from his corps and enlisting in some other corps or in the militia:

Any loss, disposal of, or damage occasioned by him in any of the instances of disgraceful conduct herein specified:

Any loss, disposal of, or destruction of, or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct

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Any loss, disposal of, or destruction of, or damage or injury to his arms, clothing, instruments, equipments, accoutrements, or necessaries, or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear on the recommendation of the surgeon for the benefit of his health, or making away with or pawning any medal or decoration for service or for general good conduct which may have been granted to him by order of Her Majesty or by order of the East India Company, or any medal or decoration which may have been granted to him by any foreign power, or any loss, disposal of, or destruction of, or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or necessaries of any officer or marine, occasioned by his wilful or negligent misconduct:

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss, disposal of, or destruction of, or damage or injury to arms, clothing, instruments, equipments, accoutrements, or necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till the cost of replacing or repairing the same be made good, the amount of any loss, disposal, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court: Provided also, that when an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced, except under special circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid: Provided also, that so much only of the pay of the marine may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue at the least of one penny a day.

Discharge with ignominy.

37. Whenever any marine shall have been convicted of desertion or of any such disgraceful conduct as is herein-before described, and the court in respect of such disgraceful conduct shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such marine, such court may further sentence him to be discharged with ignominy from Her Majesty's service: Provided always, where an award of any of the forfeitures herein-before mentioned, or of deprivation of pay, or of stoppages of pay, shall have been added to a sentence of transportation or penal servitude, it shall be lawful for the Lord High Admiral or the Com-

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missioners for executing the office of Lord High Admiral, or, if in the East Indies, for the officer commanding in chief Her Majesty's land forces in India in the event of the sentence of transportation or penal servitude being commuted to imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking deserters or marines discharged with ignominy.

38. On the first and on every subsequent conviction for desertion the court-martial, in addition to any other punishment, may order the offender to be marked, two inches below and one inch in rear of the nipple of the left breast, with the letter D, such letter not to be less than an inch long, and to be marked upon the skin with some ink or gunpowder or other preparation, so as to be clearly seen and not liable to be obliterated; a court-martial may, upon sentencing any offender to be discharged with ignominy, also sentence him to be marked on the right breast with the letters B.C., and the confirming officer may order such sentence in respect of the marking to be carried into effect.

Power of imprisonment by different kinds of courts-martial.

39. A general or district or garrison court-martial may sentence any marine to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, in no case exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the court-martial shall imperatively order that the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods; and any divisional or detachment court-martial may sentence any marine to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such marine be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with intervals between them of not less duration than such periods of solitary confinement: Provided always, that when any court-martial, whether general, garrison, or district, or divisional or detachment, shall direct that the imprisonment shall be solitary confinement only, or when any sentence of corporal punishment shall have been commuted to imprisonment only, the period of such solitary confinement shall in no case exceed fourteen days.

Imprisonment of offender

40. Whenever sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or of

penal servitude, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded. A.D. 1869. already under sentence.

Whenever Her Majesty, the Lords Commissioners of the Admiralty, or any general or other officer authorized to confirm the sentences of courts-martial shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Term and place of imprisonment.

41. Save as herein specially provided, every term of penal servitude or imprisonment under the sentence of a court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall be signed by the president; and the place of imprisonment under the sentences of courts-martial shall be appointed by the court or the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the commanding officer of the division to which the offender belongs or is attached, or the officer commanding the district, garrison, island, or colony.

Proviso for removal of prisoners.

42. In the case of a prisoner undergoing imprisonment under sentence of a court-martial, or as part of commuted punishment, in any public prison other than a military prison, or in any gaol or house of correction or elsewhere, in any part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, in all cases, or for the officer who confirmed the proceedings of the court, or the officer commanding the division or the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing

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imprisonment under the sentence of a court-martial in any public prison other than a military prison, or in any gaol or house of correction, in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the officer commanding the Royal Marines there serving, in the case of any such prisoner, to give as often as occasion may arise an order in writing directing that the prisoner be discharged, or be delivered over to military or other custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction, either within the United Kingdom or elsewhere, to some other prison or place, either in the United Kingdom or elsewhere, the officer or authorities who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for War, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military or other custody as may be lawfully exercised by any of the authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military or other custody under such order as aforesaid shall be reckoned as imprisonment under

the sentence, for whatever purpose such detention shall take place, and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Custody of prisoners under military sentence in common gaols.

43. Every governor, provost marshal, gaoler, or keeper of any public prison, or of any gaol or house of correction, in any part of Her Majesty's dominions, shall receive into his custody any military offender under sentence of imprisonment by a general or other court-martial, upon delivery to him of an order in writing in that behalf from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or from the officer commanding the division or detachment to which the offender belongs or did last belong or is attached, which order shall specify the period of imprisonment or remainder of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released or be otherwise disposed of; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time, under an order duly made for that purpose; and whenever marines are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement shall receive into his custody any marine for a period not exceeding seven days, upon delivery to him of an order in writing in that behalf from the officer commanding such marine; and any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement who shall refuse to receive and to confine, or to discharge or deliver over, any marine offender in the manner herein prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Subsistence of prisoners in common gaols.

44. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every marine imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every marine during the period of his imprisonment one shilling per diem, or such other sum as the said Lord High Admiral or the said

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Commissioners may at any time or times direct, which the Secretary of the Admiralty shall cause to be issued out of the subsistence of such marine, upon application in writing signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, and which sum of sixpence per diem, or such other sum as aforesaid, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

Notice to be given of expiration of imprisonment in common gaols.

45. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any debt or contempt, or upon any charge or for any offence, civil, criminal, or military, is a marine, shall on receiving him into custody give notice thereof to the Secretary of the Admiralty, and also, previous to the expiration of the period of the confinement or imprisonment of such marine, give to the Secretary of the Admiralty one month's notice of the period of such expiration of confinement or imprisonment, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof, specifying the day and hour of the day on and at which he is to be released; and for every default of giving either or any of such notices such gaoler or person shall forfeit the sum of twenty pounds; and moreover every gaoler or other person having such immediate inspection as aforesaid shall, as soon as any such marine shall be entitled to be discharged out of custody, with all convenient speed, safely and securely conduct and convey and safely and securely deliver every such marine either unto the officer commanding at the nearest head quarters of the Royal Marines or to the officer commanding Her Majesty's ship to which any such marine may happen to belong, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, or the officer commanding at the nearest head quarters of the Royal Marines, or the officer commanding Her Majesty's ship to which any such marine may belong, shall, by writing under his hand, direct that such marine be delivered to some other officer or person, in which case he shall be delivered to such other officer or person accordingly, and the officer or person to whom such marine shall be so delivered in accordance with this Act shall thereupon give to such gaoler or person delivering up such marine a certificate, directed to the Secretary of the Admiralty, specifying the receipt of such marine, and, if such gaoler or other person as aforesaid has conducted or conveyed any such marine, specifying the place from and to which he shall have been conducted and conveyed as aforesaid; and such gaoler or person

who shall have so conducted, conveyed, and delivered any such marine shall, upon the production of such certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the sum of one shilling per mile, and no more, for conducting, conveying, and delivering any such marine as aforesaid; and every such gaoler or other person having such immediate inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such marine as aforesaid shall for every such misconduct or offence forfeit and pay the sum of one hundred pounds. In all cases where the marine in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

Military prisons established under any Act for punishing mutiny and desertion in the army to be deemed public prisons.

46. Every military prison which shall be established under or by virtue of any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be deemed to be public prisons within the meaning of any Act now in force or hereafter to be in force for the regulation of Her Majesty's Royal Marine forces; and any officer or marine convicted by a court-martial may be sent, by order of the Commissioners for executing the office of Lord High Admiral, to any such military prison, there to undergo such punishment as may be awarded by the sentence passed upon him, or until he be discharged or delivered up by an order, as in the case of a discharge or removal from any other prison under this Act.

Musters, and penalty on false musters.

47. Musters, as have been customary, shall be taken of every division or company of Royal Marines once in every calendar month, as shall be appointed; and no officer or marine shall be absent from any such muster, unless duly certified to be employed on some other duty of the corps, or sick, or in prison, or on furlough; and every person belonging to Her Majesty's service who shall give or procure to be given any untrue certificate thereby to excuse any person from any muster or other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or who shall willingly allow or sign any false muster or duplicate thereof, or shall directly or indirectly take or receive any money or gratuity for mustering any person, or for signing any muster roll or duplicate, or shall knowingly muster any person by a wrong name, shall, upon proof by two witnesses before a general court-martial, for any such offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all cases whatsoever, instead of

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causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of rank as may be deemed expedient; and any person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any horse to be falsely mustered, shall, upon proof thereof by the oaths of two witnesses before some justice of the peace residing near to the place where such muster shall be made, forfeit the sum of twenty pounds, and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged; and if any person not belonging to Her Majesty's service shall give or sign any untrue certificate of illness or otherwise in order to excuse any officer or marine from appearance at any muster, or whereby Her Majesty's service may be defrauded, every person so offending shall for every such offence forfeit the sum of fifty pounds.

Verifying of muster rolls.

48. All muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any justice of the peace, without fee or reward to himself or his clerk.

Trials for desertion after subsequent re-enlistment.

49. Every marine shall be liable to be tried and punished for desertion from any corps into which he may have unlawfully enlisted, although he may of right belong to another corps, and be a deserter therefrom; and whether such marine shall be tried for deserting from the corps to which he may of right belong, or from the corps into which he may have unlawfully enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may at the time be taking his trial may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

50. Upon reasonable suspicion that a person is a deserter it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or marine or soldier in Her Majesty's service, or other person, to apprehend or cause to be apprehended such suspected person, and forthwith to bring him or cause him to be brought before any justice living in or near the place where he was so apprehended, and acting for the county, city, district, place, or borough wherein such place is situate, or for the county adjoining such first-mentioned county or such borough; and such justice is hereby authorized and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry, and to remand the said suspected person, in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, section twenty-one, and subject to every provision therein contained; and if it shall appear to the satisfaction of such justice, by the testimony

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of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath, or by the knowledge of such justice, that such suspected person is a deserter, such justice shall forthwith cause him to be conveyed in civil custody to the head quarters or depôt of the division to which he belongs, if stationed within a convenient and easily accessible distance from the place of commitment, or if not so stationed then to the nearest or most convenient public prison (other than a military prison) or police station legally provided as the lock-up house for temporary confinement of persons taken into custody, whether such prison or police station be in the county or borough in which such suspected person was apprehended or in which he was committed, or not; or if the deserter has been apprehended by a party of marines in charge of a commissioned officer, such justice may deliver him up to such party, unless the officer shall deem it necessary to have the deserter committed to prison for safe custody; and such justice shall transmit an account of the proceedings, in the form prescribed in the schedule annexed to this Act, to the secretary of the Admiralty, specifying thereon whether such deserter was delivered to a party of marines in order to his being taken to the head quarters or depôt of his division, or whether such deserter was committed to prison, to the end that the person so committed may be removed by an order from the said Lord High Admiral, or the said Commissioners for executing the office of Lord High Admiral, or deputy adjutant general of Royal Marines, and proceeded against according to law; and such justice shall also send to the secretary of the Admiralty a report stating the names of the persons by whom or by or through whose means the deserter was apprehended and secured, and the secretary of the Admiralty shall transmit to such justice an order upon the proper department for the payment of the sum of twenty shillings as a reward to the person so certified to be entitled thereto; and for such information, commitment, and report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; and every gaoler and other person into whose custody any person charged with desertion is committed shall, immediately upon the receipt of the person so charged into his custody, pay such fee of two shillings, and also, upon the production of a receipt from the medical practitioner who may have been required to examine such suspected person, a fee of two shillings and sixpence, and shall notify the fact to the secretary of the Admiralty, and transmit also to the secretary of the Admiralty a copy of the commitment, to the end that the secretary of the Admiralty

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may order repayment of such fees; and that when any such person shall be apprehended and committed as a deserter in any part of Her Majesty's foreign dominions, the justice shall forthwith cause him to be conveyed to some public prison, if the detachment to which he is suspected to belong shall not be in such part, or if the detachment be in such part, the justice may deliver him into custody at the nearest military post, although the detachment to which such person is suspected to belong may not be stationed at such military post, if within reasonable distance; and such justice shall in every case transmit to the officer commanding a description return in the form prescribed in the schedule to this Act annexed, to the end that such person may be removed by the order of such officer, and proceeded against according to law; and such description return, purporting to be duly made and subscribed in accordance with the Act, shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred, by order of the colonel commandant or other officer commanding, to serve in any division, corps, detachment, or party nearest to the place where he shall have been apprehended, or to any other division, corps, detachment, or party to which the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Transfer of deserters.

Penalty on marines attempting to desert from head quarters.

51. For and in respect of any marine attempting to desert from any head quarters, the party or parties by whom he shall be apprehended shall be entitled to a reward of ten shillings, to be paid upon the delivering up of such marine, which sum of ten shillings shall be charged against and stopped and retained out of the pay and subsistence of every such marine.

Temporary custody of deserters in gaols.

52. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any marine or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the Admiralty, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such

subsistence for his maintenance as shall be directed by the said Lord High Admiral or the said Commissioners. A.D. 1869.

Fraudulent confession of desertion.

53. Any person who, while serving in Her Majesty's Navy or in any of Her Majesty's forces, or the embodied militia, shall to any officer, or subordinate, warrant, petty, or non-commissioned officer, fraudulently confess himself to be a deserter from Her Majesty's Royal Marine forces, shall be liable to be tried by any court-martial under this Act, and punished according to the sentence thereof; and any person who shall voluntarily deliver himself up as and confess himself to be a deserter from Her Majesty's Royal Marine forces, or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a marine, and shall be liable to serve in Her Majesty's Royal Marine forces, whether such person shall have been ever actually enlisted as a marine or not; or in case such person shall not be a deserter from the Royal Marine forces, or shall have been discharged therefrom or from any other corps for any cause whatever, or shall be incapable of service, he shall, on conviction thereof before two justices of the peace at or near the place where he shall deliver himself up or confess, or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months, or shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England or Ireland, of an Act passed in the session holden in the twenty-fourth and twenty-fifth years of Queen Victoria, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar offences," or, if in Scotland, shall be deemed guilty of falsehood, fraud, and wilful imposition; and every person so deemed to be guilty of obtaining money under false pretences, or of falsehood, fraud, and wilful imposition, (as the case may be,) shall be liable to be proceeded against and punished accordingly; and the confession and receiving subsistence as a marine by such person shall be evidence of the false pretence, or of the falsehood, fraud, and imposition, (as the case may be,) and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or shall have been summarily convicted and punished in England as a rogue and vagabond, or in Scotland or Ireland by commitment, for making a fraudulent confession of desertion, such former conviction

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may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction of the former offence, purporting to be signed by the clerk of the court or other officer having the custody of the record of the court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate; and if the person so confessing himself to be a deserter shall be serving at the time in Her Majesty's Royal Marine forces he shall be deemed to be and shall be dealt with by all justices and gaolers as a deserter.

Punishment for inducing marines to desert.

54. Any person who shall, in any part of Her Majesty's dominions, by any means whatsoever, directly or indirectly procure any marine to desert or absent himself from his duty without leave from his commanding officer, or attempt to procure or persuade any marine to desert or absent himself from his duty, and any person who, knowing that any marine is absent from his duty without leave from his commanding officer, shall harbour or conceal such marine, or aid or assist such marine in concealing himself, or aid and assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Extension of furlough in case of sickness.

55. When there shall not be any officer of Her Majesty's land or marine forces of the rank of captain or of a superior rank, or any adjutant of militia, within convenient distance of the place where any non-commissioned officer or marine, not borne on the books of any of Her Majesty's ships or vessels in commission as aforesaid, and who shall be on furlough, shall be detained by sickness or other casualty rendering necessary an extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of fur-

lough for a period not exceeding one month; and the said justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the division or detachment to which the man belongs, if known, and if not, then to the secretary of the Admiralty, in order that the necessary allowance of pay and subsistence may be remitted to the marine, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any marine from trial and punishment according to the provisions of this Act for any false representation made by him in that behalf to the said officer or justice so extending the furlough, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough. A.D. 1869.

Marines liable to be taken out of Her Majesty's service only for felony and certain misdemeanors, or for debts amounting to 30*l.* and upwards;

56. Any person enlisted into Her Majesty's Royal Marine forces as a marine, or who has received marine enlistment money, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony, or on account of misdemeanor, or of any crime or offence other than the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorized to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the fact sworn to, and the day of filing such affidavit; but no marine or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatsoever, or to be taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any parish, township, or place, or to the common fund of any union, any relation or child which such marine or person might, if not in Her Majesty's service, be compellable by law to relieve or main-

but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for not maintaining their families, or for breach of contract.

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tain, or for neglecting to pay to the mother of any bastard child, or to any person who may have been appointed to have the custody of such child, any sum to be paid in pursuance of an order in that behalf, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a marine is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void to all intents and purposes; and any judge of any such court may examine into any complaint made by a marine or by his superior officer, and by warrant under his hand discharge such marine, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such marine out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any marine or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or marine necessaries or equipments of such marine: Provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices duly bound under the age of twenty-one years, as herein prescribed.

Officers not to be sheriffs, mayors, &c.

57. No person who shall be commissioned and in full pay as an officer in the Royal Marine forces, or who shall be employed in enlisting for such forces, shall be capable of being nominated or elected to be sheriff, and no such officer and no non-commissioned officer of such forces shall be capable of being nominated or elected to be a constable, or overseer, guardian of any union, or any officer of a like description, of any county, hundred, riding, city, borough, town, division, parish, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland, or be summoned or shall serve as a grand or

petit or other juror or upon any inquest, and any summons for him to attend to serve as a grand or petit or other juror or upon an inquest shall be null and void; and every such person is hereby exempted from attendance and service in accordance with any such summons and from all fines, pains, and penalties for or in consequence of not attending or serving as aforesaid. A.D. 1869.

Questions to be put to recruits on enlisting.

58. Every person authorized to enlist recruits for the Royal Marines shall first ask the person offering to enlist whether he belongs to the militia, and also such other questions as the said Lord High Admiral or the said Commissioners may direct to be put to recruits, and shall, immediately after giving him enlisting money, serve him with a notice in the form set forth in the schedule to this Act annexed.

Recruits when deemed to be enlisted.

59. Every person who shall receive enlisting money in manner aforesaid shall upon such receipt be deemed to be enlisted as a marine in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

60. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the marines, for the purpose of being attested as a marine, or of objecting to his enlistment.

Dissent and relief from enlistment.

61. When a recruit, upon appearing before a justice for the purposes aforesaid, shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the commandant of the division for which the marine shall have enlisted; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless upon repayment of the enlisting money and of any sum received by him in respect of pay, and of a further sum of twenty shillings as smart money, he shall be entitled to be discharged; and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of the Admiralty and to the said commandant, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

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Attesting of recruits.

62. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form contained in the schedule to this Act annexed, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and vagabond, and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration and taken the oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested, and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

63. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any recruit, previously to his being attested, shall by means of any false answer obtain enlistment money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorized to be put to recruits for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such recruit shall at any time happen to be, when he shall be brought before them or him, if in England, to adjudge him to be a rogue and vagabond, and to sentence him to be punished accordingly, and if in Scotland or Ireland, or elsewhere in Her Majesty's dominions, to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months; and the declaration made by the recruit on his attestation, purporting to be made and subscribed in accordance with the schedule to this Act annexed, shall, in the absence of proof to the contrary, be deemed sufficient evidence of such recruit having represented the several particulars as stated in such declaration; and any

marine who shall have given any false answer at the time of or relative to his becoming a marine shall forfeit all pay, wages, and other monies, be the same naval, marine, or otherwise, which he might otherwise have been entitled to for any period of service in the Royal Marines.

Attested recruits triable in some cases either before two justices or before a court-martial.

64. Any recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put to recruits, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct.

Recruits absconding.

65. If any recruit shall abscond so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit and of his having absconded, and shall declare the same to be true, and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the Police Gazette.

As to militiamen enlisting into regular forces.

66. If any man while belonging to a militia regiment shall enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for War, on the confession thereof by such militiaman, or on other proof thereof, to order that in lieu of his being so tried he shall be subjected to a stoppage of one penny a day of his pay for eighteen calendar months, to be applied as the Secretary of State for War shall direct, and further to determine whether such man shall be returned to his militia regiment after such sum shall have been made good, or shall be deemed to be a marine in the same manner as he would have been if he had not been a militiaman at the time of his attestation.

Volunteer permanent staff officers

67. If any non-commissioned officer of the volunteer permanent staff shall enlist into the Royal Marines, he may be tried and

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enlisting into regular forces.

punished as a deserter, but if he confesses his desertion the Secretary of State for War, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him, and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him, or may cause him to be held to his service in the Royal Marines with a direction, if it seems fit, that his term of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired, and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Penalty on persons offending as to enlistment.

68. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's service shall be liable to be tried for such offence by a general court-martial, and to be sentenced to such punishment, other than death or penal servitude, as such court may award.

As to re-enlistment abroad.

69. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, or for the officer commanding any ship or vessel of Her Majesty on the books of which any marine may be borne, or on board of which any such marine may be, or, notwithstanding anything in this Act contained, for the commanding officer of any battalion or detachment of Royal Marines, whether borne on the books of any one of Her Majesty's ships or otherwise, to re-engage or enlist and attest out of Great Britain or Ireland any marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine forces, if such marine be considered by such commanding officer, justice, or magistrate a fit person to continue in Her Majesty's service; and every such commanding officer, justice, or magistrate shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices of the peace in the United Kingdom for all such purposes of enlistment and attestation, and any marine so re-enlisted or re-engaged shall be deemed to be an attested marine.

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Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.

70. Any person duly bound as an apprentice who shall enlist into Her Majesty's Royal Marine forces, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, if in England or in Ireland, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a marine according to the terms of the enlistment, and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorized to receive recruits, such person may be taken as a deserter from Her Majesty's Royal Marine forces.

Claims of masters to apprentices.

71. No master shall be entitled to claim an apprentice who shall enlist as a marine in Her Majesty's service unless such master shall, within one calendar month next after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of five years, (not having been above the age of fourteen years when so bound,) and, if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than five or four years as aforesaid:

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Provided also, that any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice.

No apprentice claimed by the master shall be taken away without a warrant.

72. No apprentice claimed by his master shall be taken from any division, detachment, recruiting party, or ship of Her Majesty, except under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, and before whom he shall be carried; and such justice shall inquire into the matter upon oath (which oath he is hereby empowered to administer), and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

Punishment of apprentices enlisting.

Removal of doubts as to attestation of marines.

73. No person who shall for six months, and either before or after the passing of this Act, have received pay and be borne on the strength and pay list of any division of Her Majesty's Royal Marine forces, of which the last quarterly pay list (if produced) shall be evidence, or been borne as a marine on the books of any of Her Majesty's ships in commission, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be.

Power to Admiralty to order pay to be withheld.

74. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the office of Lord High Admiral, to give orders for withholding the pay of any officer or marine for any period during which such officer or marine shall be absent without leave, or improperly absent from his duty, or in case of any doubt as to the proper issue of pay to withhold it from the parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a determination upon the case.

Billeting of marines.

75. And whereas there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on shore: Be it enacted, that during the continuance of this Act, upon the order or orders in writing in that behalf under the hand of the Lord High Admiral, or the hands of two or more of the Commissioners for executing the office of Lord High Admiral for the time being, or upon the order or orders in writing in that behalf under the hand of any colonel commandant or commanding officer of any division of Royal Marines, it shall be lawful for all constables and other persons specified in this Act in Great Britain and Ireland, and they are hereby required, to billet the officers and marines, whether marching or otherwise, and all staff and field officers horses, and all bât and baggage horses belonging to the Royal Marine forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victualler with proper accommodation in such houses, and with a separate bed for each marine, or if any victualler shall not have sufficient accommodation in the house upon which a marine is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when marines are on their march shall any of them be billeted above one mile from the place mentioned in the route, care being always taken that the billets be made out for the less distant houses in which suitable accommodation can be found before making out billets for the more distant; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house, except in case of necessity;

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and the constables are hereby required to billet all marines on their march in the manner required by this Act upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or a different county in like manner in every respect as if such houses were all locally situated within such place: Provided always, that nothing herein contained shall be construed to extend to authorize any constable to billet marines out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present, or to the non-commissioned officer on the spot; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such marines are billeted, such justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons as they shall see cause; and when any horses belonging to the officers of Her Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then, upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person or persons having stables, and who are by this Act liable to have officers and marines billeted upon them, and any two or more justices of the peace may order a proper allowance to be paid by the persons relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively, and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or to enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to Her Majesty's service: Provided also, that to prevent or punish all abuses in billeting marines, it shall be lawful for any

justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constables, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted: Provided also, that no justice being an officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing quarters under this Act. A.D. 1869.

Allowance to innkeepers.

76. The innholder or other person on whom any marine is billeted in Great Britain shall, if required by such marine, furnish him for every day on the march, and for a period not exceeding two days, when halted at any intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previously to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of tenpence, and twopence halfpenny for a bed; and all innholders and other persons on whom marines may be billeted in Great Britain or Ireland, except when on the march in Great Britain, and entitled to be furnished with the hot meal as aforesaid, shall furnish such marines with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each marine; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's Royal Marine forces shall be billeted, in Great Britain or Ireland, for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a division, detachment, or party shall every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, marines, or horses are billeted, out of the pay and subsistence of such officers and marines, before any part of the said pay or sub-

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sistence be paid or distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situate, sitting in quarter or petty sessions, the secretary of the Admiralty is hereby required, upon certificate of the justices before whom such oath shall be made of the sum due to complainant, to order payment of the amount which shall be charged against such officer; and in case of any marines being suddenly ordered to march, and of the commanding officer or non-commissioned officer not being enabled to make payment of the sums due on account of billets, every such officer or non-commissioned officer shall before his departure make up the account with every person upon whom any such marines may have been billeted, and sign a certificate thereof; which account and certificate, on being transmitted to the secretary of the Admiralty, shall be immediately paid, and charged to the account of such officer or non-commissioned officer.

Supply of carriages.

77. For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite

supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorize the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done. A.D. 1869.

Rates for carriages.

78. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland for every hundredweight loaded on any wheel carriage one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total additional sum per mile of fourpence, threepence, or twopence to the respective rates of one shilling, ninepence, and sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, and the period for which the order shall be enforced, not exceeding ten days, beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the secretary of the Admiralty within three

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days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles, the justice granting his warrant may fix a further reasonable compensation not exceeding the usual rate of hire fixed by this Act; and when additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay down the proper sums into the hands of the constable providing carriages, who shall give receipts for the same on unstamped paper; and, in Ireland, the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time without hindrance of Her Majesty's service: Provided also, that a cart with one or more horses, for which the furnisher shall receive ninepence a mile, shall be required to carry fifteen hundredweight at the least; and that no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses or oxen or weight of loading of the aforesaid carriages, nor shall any such carriages on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of marines from Dublin at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the lord mayor of Dublin, who shall summon a proportional number of cars and drays at his discretion out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the

regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of marines on any pretence whatever. A.D. 1869.

As to supply of carriages, &c. in cases of emergency.

79. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of Ireland, by their or his orders distinctly stating that a case of emergency doth exist, signified by the secretary of the Admiralty, or, if in Ireland, by the chief secretary or under secretary, or the first clerk in the military department, to authorize any commanding officer of Her Majesty's Royal Marine forces in any district or place, or to the chief acting agents for the supply of stores and provisions, by writing under his hand, reciting such order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and

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it shall be lawful to convey thereon not only the baggage, provisions, and military stores of such detachment, but also the officers, marines, servants, women, children, and other persons of and belonging to the same.

Justices of peace to direct payment of sums expended for carriages, &c.

80. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of monies which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogues money and assessments directed and authorized to be assessed and levied by an Act passed during the session holden during the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Lord Lieutenant of Ireland may depute persons to sign routes.

81. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency for the marching of any of Her Majesty's Royal Marine forces in Ireland in the name of such Lord Lieutenant or Chief Governor.

Exemption from tolls.

82. All officers and marines on duty or on their march, being in proper uniform, dress or undress, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when employed in conveying any such persons as aforesaid or their baggage, or returning from conveying the same, shall be exempted from the payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any prescription, grant, or custom, or by virtue of any Act or ordinance, order or direction, of any colonial legislature or other authority in any of Her Majesty's colonies; and if any toll collector shall demand or receive toll from any marine

officer or marine on duty or on their march who shall be in proper uniform, dress or undress, or for their horses, and who by this Act is exempted from payment thereof, or from any recruits marching by route, or from any prisoners under military escort, or for any carriages or horses belonging to Her Majesty or employed in her service under the provisions of this Act, when conveying persons or baggage, or returning therefrom, every such collector shall for every such offence be liable to a penalty not exceeding five pounds; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein mentioned; and that when any officers or marines on service shall have occasion in the march by route to pass regular ferries in Scotland, the officer commanding shall be at liberty to pass over with his marines as passengers, paying for himself and each marine one half only of the ordinary rate payable by passengers, or he shall be at liberty to hire the ferry boat for himself and his party, debarring all others for that time, and shall in such case pay only half the ordinary rate for such boat.

Marching money on discharge.

83. Every marine upon being discharged from the service shall be entitled to an allowance (not exceeding in any case the amount of twenty-one days marching money) to enable him to reach his home, or the place at which he shall at the time of his discharge decide to take up his residence, such place not being at a greater distance from the place of his discharge than the place of his original enlistment, which allowance shall be calculated according to the distance he has to travel: Provided always, that no person who shall purchase his own discharge, or be discharged on account of misbehaviour, or at his own desire, before the expiration of his period of service, shall be entitled to any such allowance.

Penalties upon civil subjects offending against the laws relating to billets and carriages.

84. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom shall presume to billet any such officer or marine in any house not within the meaning of this Act without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty when thereunto required in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving any such officer or

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marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall demand more than the legal rates for the same, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive any such officer or marine, or to afford him proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw in Great Britain and Ireland, for each horse, in such quantities and at such rates as herein-before provided, or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a marine or marine recruit with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

Penalty upon officers of marines so offending.

85. If any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or offer any menace or compulsion to or upon any justice, constable, or other civil officer tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more justices of the county by the oath of two credible witnesses, be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service;

provided a certificate of such conviction be forthwith transmitted by the said justices to the secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take or knowingly suffer to be taken from any person any money or reward for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day if it be practicable, except in the case of emergency for which the justice shall have given licence, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty for forcible entry in pursuit of deserters without warrant.

86. Every marine officer or marine who shall, without warrant from one or more of Her Majesty's justices, forcibly enter into or break open the dwelling house or outhouse of any person whomsoever in pursuit of any deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty for purchasing clothes, &c. from any marine.

87. Any person who shall knowingly detain, buy, or exchange, or otherwise receive from any marine or marine deserter, or any other person acting for or on his behalf, upon any account or pretence whatsoever, or who shall solicit or entice any marine or marine deserter, or shall be employed by any marine or marine deserter, knowing him to be such, to sell any arms, ammunition, medals for good conduct, or distinguishment, or other service, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed re-

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gimental or divisional necessaries, or any provisions, sheets, or other articles used in barracks or provided under barrack regulations, whether on shore or afloat, and whether the marine or marine deserter or other person be or be not borne on the books of any one of Her Majesty's ships, or be or be not embarked, or who shall have in his or her possession or keeping any arms, ammunition, medals, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, spirits, sheets, or other articles used in barracks or provided under barrack regulations, and shall not give a satisfactory account how he or she came by the same, or shall change or cause the colour or mark of any such clothes, appointments, necessaries, sheets, or other articles to be changed or defaced, or who shall pawn, sell, or deposit in any place or with any person such articles of regimental necessaries, with or without the consent of such marine, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles; and if any person having been at any time previously convicted of either of the above offences under this or any previous Act for the regulation of Her Majesty's Royal Marine forces while on shore shall afterwards be guilty of any such offence, he or she shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove, on oath before a justice of the peace or person exercising like authority according to the laws of that part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession or on his or her premises any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may and he is hereby required to grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be

seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law.

Penalty on unlawful recruiting.

88. Every person (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the Royal Marines, or shall open or keep any house or place of rendezvous or office, or receive any person therein under such bill or advertisement as connected with the marine recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty on killing game without leave.

89. For the better preservation of the game and fish in or near places where any officer shall at any time be quartered, every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, shall for every such offence forfeit the sum of five pounds.

Limitations of actions.

90. If any action shall be brought against any member or members of a court-martial to be assembled under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, in respect of the proceedings or the sentence thereof, or against any other person, for anything done in pursuance or under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, the same shall be brought in some one of the courts of record at Westminster or Dublin, or in the court of session in Scotland, and shall be commenced within six months next after the cause of action shall arise, and it shall be lawful for the defendant or defendants therein, or in any such action now pending, to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit or suffer any discontinuance thereof, or if, in Scotland, the court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

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Recovery of penalties.

91. All offences for which any pecuniary penalty or forfeiture not exceeding twenty pounds, over and above any forfeiture of value or treble value, is by this Act imposed, shall and may be heard and determined by any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be; and all such penalties and forfeitures, and forfeiture of value and treble value, and also the reasonable costs attending the prosecution, to be duly ascertained and awarded by such justice, shall and may be enforced and recovered in the same manner as any pecuniary penalties may be recovered under the provisions of an Act passed in the twelfth year of the reign of Her Majesty, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders:" Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture or treble value can be levied, the offender may be committed and imprisoned, with or without hard labour, for any time not exceeding six calendar months; which said recited Act shall be used and applied in Scotland and in Ireland for the recovery of all such penalties and forfeitures or treble value as fully to all intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regu- "lating the proceedings at petty sessions, and the duties of justices "of the peace out of quarter sessions," in Ireland, to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of Her Majesty's dominions other than the United Kingdom, may be determined, and the penalties and forfeitures of value or treble value recovered, before any justices of the peace or persons exercising like authority, according to the laws of Her Majesty's dominions in which the offence shall be committed or the offender may at any time happen to be, and for default of payment the offender shall be punished as if the offence had been committed in the United Kingdom; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster or in Dublin, or in the court of session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles or in any other part of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

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Appropriation of penalties.

92. One moiety of every such penalty or forfeiture, not including any treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of such articles, or, where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall direct, anything in an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the furthest report the same, and his adjudication thereof, to the secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of canteens.

93. It shall be lawful for any two justices of the peace, within their respective jurisdictions, to grant or transfer any licence for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licences; and the commissioners of excise or their proper officers within their respective districts shall also grant or transfer any such licence as aforesaid; and such persons holding such canteens, and having such licences as aforesaid, may sell therein victuals, and all such exciseable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

Mode of recording a marine's settlement.

94. Any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing upon oath touching the place of his last legal settlement; and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be

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dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required: Provided also, that when no such examination shall have been required, the statement made on oath by the recruit on his attestation of his place of birth shall be taken to be his last place of settlement until legally disproved.

Administration of oaths.

Perjury.

95. All oaths and declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any justice of the peace or other person having authority to administer oaths and declarations; and any person giving false evidence, or taking a false oath or declaration where an oath or declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered, and every marine or other person amenable to the provisions of this Act found guilty thereof by a general or other court-martial shall be punished at the discretion of such court.

Definition of terms.

96. All clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and to the town of Berwick-upon-Tweed; and the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer of Royal Marines, or who are or shall be listed or in pay as a non-commissioned officer or marine; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided; and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorized to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, head boroughs, and such like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns,

villages, parishes, and places in Scotland, who shall act in the execution of this Act; and all powers and provisions for billeting marines in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, to all houses of persons licensed to sell beer, ale, porter, cider, or perry by retail, to be consumed or drunk in their dwelling houses or premises, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin by retail in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then marines may be billeted in such manner as has been heretofore customary: Provided always, that no officer or marine shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the Admiralty, War, or Marine Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of that company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licences; nor in the house of any distiller kept for distilling brandy and strong waters; nor in the house of any shopkeeper whose principal dealings shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses; nor in the house or residence in any part of the United Kingdom of any foreign consul duly accredited as such.

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Marines not to be billeted in private houses, &c.

97. This Act shall be in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and sixty-nine until the twenty-fifth day of April one thousand eight hundred and seventy inclusive; and within Ireland, and in Jersey, Guernsey, Alderney, Sark, and the Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and sixty-nine until the first day of May one thousand eight hundred and seventy inclusive; and within the garrison of Gibraltar, and within the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and sixty-nine until the first day of August one thousand eight hundred and seventy inclusive; and in all other parts of Europe where Royal Marine forces may be serving, and the West Indies and North America, and Cape of Good Hope, from the first day of September one thousand eight hundred and sixty-nine until the first day of September one thousand eight hundred and seventy

Duration of Act.

A.D. 1869. inclusive; and in all other places from the first day of February one thousand eight hundred and seventy until the first day of February one thousand eight hundred and seventy-one inclusive: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

YOU shall duly administer justice, according to the rules and articles for the better government of Her Majesty's Royal Marine forces, and according to an Act now in force for the regulation of the said forces while on shore, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law. So help you GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A.B.

TAKE notice, that you enlisted with at o'clock* on the day of for the Royal Marines, and if you do not come forward to [*here name some place*] on or before o'clock* on the day of for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representations at the time of attestation.

Signature of the non-commissioned officer serving the notice. } _____

* At A.M. or P.M., as the case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the parish of in the county of , do solemnly and sincerely declare, that to the best of my knowledge and belief I was born in the parish of (*a*) in or near the town of (*b*) in the county of (*c*) , and am years of age; that I am of the trade or calling of [*or* of no trade or calling, *as the case may be*]; that I am not an apprentice; that I am married (that I am not a widower; that I am a widower, and that I have (*or* have not) children) [*or* not married, *as the case may be*]; that I do not belong to the militia, or to the naval coast volunteers, or royal naval volunteers, or to any portion of Her Majesty's land or sea forces; that I have never served Her Majesty by land or sea in any military, marine, or naval employment whatsoever, except ; that I have never been marked with the letter D; that I have never

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been rejected as unfit for Her Majesty's service on any previous enlistment; that I was enlisted at on the day of 186 , at o'clock m. by of , and that I have read [*or* had read to me] the notice then given to me and understood its meaning; that I enlisted for a bounty of and a free kit [*as the case may be*], and have no objection to make to the manner of my enlistment; that I am willing to be attested to serve in the Royal Marines for the term of [*the blank after the words* "term of" *to be filled up with twelve years, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such twelve years*] provided Her Majesty should so long require my services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of recruit.*

_____ *Signature of witness.*

Note (*a*), (*b*), (*c*).—These blanks need not be filled up if the recruit is unable to give the requisite information.

Oath to be taken by a Recruit on Attestation.

I DO make oath, That I will be faithful and bear true allegiance to Her Majesty, her heirs and successors; and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me.

So help me GOD.

Witness my hand, _____ *Signature of the recruit.*

_____ *Witness present.*

Declared and sworn before me at this day of one thousand eight hundred and at o'clock.

_____ *Signature of the justice.*

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Declaration to be made by a Marine renewing his Service.

I do declare, That I am at present [*or* was, *as the case may be*,] in the division of the Royal Marine forces; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, as a marine, for a further term of years [*to be filled up with such number of years as shall be required to complete a total service of twenty-one years*], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

Signature of marine.

Signature of witness.

Declared before me this day of 186 .

Form of Oath to be taken by a Master whose Apprentice has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of last abscond and quit my service without my consent, and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

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Form of Justice's Certificate to be given to the Master of an Apprentice.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

A.D. 1869. DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the case may be*] on the day of and was committed to confinement at on the day of as deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable date of enlistment, and where	
Probable date of desertion, and from what place	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured	
* Particulars of the evidence on which the prisoner is committed; and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he † a deserter from the above-mentioned corps.

——— *Signature and address of magistrate.*

——— *Signature of prisoner.*

——— *Signature of informant.*

† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him ‡ for military service.

——— *Signature of military medical officer, or of private medical practitioner.*

‡ Insert "fit" or "unfit," as the case may be, and if unfit, state the cause of unfitness.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 6.

A.D. 1869.

An Act to repeal so much of The Regulation of Railways Act, 1868, as relates to the approval by meetings of incorporated railway companies of bills and certificates for conferring further powers on those companies. [19th April 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 35 of 31 & 32 Vict. c. 119. repealed, so far as relates to provisions herein named.

1. Section thirty-five of The Regulation of Railways Act, 1868, (which relates to meetings of incorporated railway companies and the approval by such meetings of bills and certificates for conferring additional powers on those companies,) is hereby repealed so far as relates to any Bill introduced into either House of Parliament or application for a certificate made after the first of February one thousand eight hundred and sixty-nine.

Short title.

2. This Act may be cited as The Railway Companies Meetings Act, 1869.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 7.

An Act for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other purposes connected therewith. [19th April 1869.] A.D. 1869.

WHEREAS the East India Irrigation and Canal Company (in this Act and the schedule thereto called the company) were by the East India Irrigation and Canal Act, 1861, incorporated for the purposes therein mentioned, including the following; namely,—

The construction, improvement, maintenance, and management of works for the irrigation of land, combined, wherever such combination might be considered practicable and advantageous, with navigable canals, and of navigable canals, within the dominions of Her Majesty the Queen known as the East Indies, or in any of the adjacent states and territories:

The rendering navigable and improving the navigation of rivers or waters within such dominions, states, and territories:

The construction, improvement, maintenance, and management of works for the supply of water, and the supply of water to the Secretary of State in Council of India or the supreme or any of the local governments of India, or to any body or person:

The obtaining of all powers, the entering into all contracts, and the doing of all things expedient for or incidental, necessary, or conducive to the attainment of those purposes or any or either of them, either by the company alone, or jointly with any other company, or in conjunction with the Secretary of State in Council, or the supreme or any of the local or native governments of India, or any other body or person;

with a proviso that only such of the purposes aforesaid should be carried into operation as should be agreed on between the company and the Secretary of State in Council, or the supreme or any of the local governments of India:

And whereas by agreement with the Secretary of State in Council the company undertook the execution of a scheme of

A.D. 1869.

works for irrigation, navigation, and supply of water and other purposes in the districts and deltas of the rivers Mahanuddy, Byturny, and Brahmany, in the province of Orissa, and their affluents, and a main irrigation and navigable canal to connect those works with Calcutta, with subsidiary channels necessary to irrigate and accommodate with means of water transport the lands of the districts through which the main canal would pass, which scheme of works is known as the Orissa undertaking:

And whereas by The East India Irrigation and Canal Act, 1866, provision was made to the effect that the Orissa undertaking should be deemed a separate undertaking of the company, and that the capital then already issued by the company should be appropriated for the purposes of that undertaking, and, with all further capital which the company might thereafter issue for that undertaking, should be called the Orissa capital, and should be kept separate and distinct from the other capital of the company, and that the income to be derived from the outlay of that capital should be kept separate and distinct from the other income of the company:

And whereas by another agreement with the Secretary of State in Council the company undertook the execution of a scheme of works (similar in character to those of the Orissa undertaking) in the province of Behar, starting from the Soane river, and embracing territory between that river and Chunar on the one side, and Patna on the other side, which scheme of works is known as the Behar undertaking, but no capital has been created in respect of that undertaking:

And whereas it having appeared to the Secretary of State in Council and to the company expedient that the company should transfer to the Secretary of State in Council the Orissa undertaking and the Behar undertaking, and all the rights and interests of the company therein respectively, agreements for such transfer have been made on the terms appearing in the three instruments described in the schedule to this Act, and those instruments purport to carry into effect or to provide for such transfer; but doubts have been raised whether the company had power to enter into the said agreements, and it is expedient that provision be made by authority of Parliament for the execution thereof:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A.D. 1869.

Short title.

1. This Act may be cited as The East India Irrigation and Canal Act, 1869.

Instruments described in schedule confirmed.

2. The three several instruments described in the schedule to this Act (in this Act referred to as the scheduled instruments) are hereby confirmed as on and from their respective dates, and the same shall be, and shall as from those dates respectively be deemed to have been, valid as between the Secretary of State in Council and the company and binding on them respectively, and shall be carried into execution accordingly.

Certain receipts to discharge Secretary of State from liabilities.

3. A receipt under the common seal of the company, countersigned by the secretary of the company, for any money payable by the Secretary of State in Council to the company or the directors thereof, under the scheduled instruments or any of them, shall effectually discharge the Secretary of State in Council from the money therein expressed to be received, and from all liability in respect thereof; and the Secretary of State in Council shall not be concerned to see to the application or responsible for any loss or misapplication thereof.

Application of money paid for Orissa undertaking.

4. The directors of the company shall hold all principal money by the first-mentioned of the scheduled instruments stipulated to be paid to them for and on behalf of the shareholders in the Orissa undertaking by the Secretary of State in Council, when the same is received by them, and all interest received by them in respect thereof from the Secretary of State in Council, on trust to distribute the same among the holders of shares or stock in the Orissa capital, their executors, administrators, or assigns, rateably according to the amounts paid on or in respect of their shares or stock.

Who to be deemed shareholders.

5. The persons who appear in the books of the company to be proprietors of shares or stock in the Orissa capital shall, unless the contrary is proved to the satisfaction of the directors of the company, be considered to be holders of shares or stock in the Orissa capital for the purposes of the distribution of money in pursuance of this Act; and where any share in the Orissa capital has been declared forfeited by the company, but has not been sold, the same shall for the purposes of the scheduled instruments, but not further or otherwise, be deemed to have reverted as on the twenty-seventh day of November one thousand eight hundred and sixty-eight to the person to whom the same belonged at the time of forfeiture.

Receipts of executors, &c. effectual discharges.

6. The receipt of an executor or administrator of a deceased holder of any share or stock in the Orissa capital, and the receipt of any person competent under the Acts relating to the company to

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give a discharge to the company for any money payable in respect of any such share or stock, shall be an effectual discharge to the company and to the directors thereof for any money payable under this Act in respect of any such share or stock and in any such receipt expressed to be received, and shall exonerate the company and the directors thereof from any obligation affecting the share or stock in respect of which such money is paid, or in anywise relating to that money.

Discontinuance of Orissa capital.

7. On receipt by the several holders of shares or stock in the Orissa capital of their respective proportions of the money distributable among them under the scheduled instruments or any of them, those several shareholders or stockholders (except such of them as are for the time being acting as members of a committee for executing any resolution passed by the company before the passing of this Act under or in contemplation of the scheduled instruments or any of them) shall respectively cease to be members of the company as holders of such shares or stock, and the shares or stock held by them shall be deemed to be extinguished, and the Orissa capital shall be reduced accordingly; and as soon as all money received by the directors of the company in respect of the Orissa undertaking under the scheduled instruments or any of them has been distributed in manner directed by the scheduled instruments or any of them or by this Act, and the affairs of the Orissa undertaking have been wound up, then by virtue of this Act the Orissa undertaking shall cease to be part of the undertaking of the company, and the Orissa capital shall cease to exist, and the holders of shares or stock therein (excepted as aforesaid) shall cease to be as such members of the company, and as from the passing of this Act so much of the nominal Orissa capital as is not subscribed for shall be deemed to be extinguished.

The SCHEDULE to which the foregoing Act refers.

Instruments confirmed.

1. Articles of agreement dated the 30th day of November 1868, made between the Secretary of State in Council of the one part and the company of the other part, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

2. An Indenture dated the 21st day of December 1868, made between the company of the one part and the Secretary of State in Council of the other part, being under the seal of the company, and under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council.

3. Articles of agreement dated the 21st day of December 1868, indorsed on the first-mentioned articles of agreement, and made between the same parties as those articles, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 8.

An Act to apply the sum of seventeen million one hundred thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy. [13th May 1869.]

A.D. 1869.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

There shall be applied for the service of the year ending 31st March 1870 the sum of 17,100,000*l.* out of the Consolidated Fund.

1. There shall and may be issued and applied, for or towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy, the sum of seventeen million one hundred thousand pounds out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury for the time being are hereby authorized and empowered to issue and apply the same accordingly.

Bank of England may advance 17,100,000*l.* on the credit of this Act.

2. The governor and company of the Bank of England may make advances to Her Majesty, upon the credit of the sums granted by this Act out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to an amount not exceeding in the whole the sum of seventeen million one hundred thousand pounds, and such advances shall be made on the application of the

A.D. 1869.

Commissioners of Her Majesty's Treasury, from time to time, in such sums as may be required for the public service, and shall be placed to the credit of the account of Her Majesty's Exchequer at the Bank of England, and be available to satisfy the orders for credits granted or to be granted on the said account, under the provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any services voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

Interest on advances.

3. The advances made by the Bank of England from time to time under the authority of this Act shall bear interest not exceeding the rate of threepence halfpenny per centum per diem, and the principal and interest of all such advances shall be paid out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said advances shall have been made.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 9.

An Act to amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same. [13th May 1869.]

A.D. 1869.

WHEREAS by "The Salmon Fishery (Ireland) Act, 1863," it was, amongst other, enacted, that the offices of the Special Commissioners for Irish Fisheries, appointed under the provisions of the said Act, and all powers, rights, and privileges pertaining thereto, should continue in force for two years only, and from thenceforth until the end of the next session of Parliament, and that on the determination of the office of the said special commissioners all powers and duties transferred to, vested in, or imposed on them by the said Act should be transferred to and vested in two permanent inspectors of fisheries, to be appointed by and to be subject to the control of the Lord Lieutenant of Ireland: 26 & 27 Vict. c. 114.

And whereas by the several Acts mentioned in the schedule to this Act annexed the duration of the office of the said special commissioners was from time to time continued until the first day of August one thousand eight hundred and sixty-nine:

And whereas Her Majesty, by warrant under the royal sign manual, bearing date the thirtieth day of January one thousand eight hundred and sixty-nine, did revoke and determine the appointment of the persons who then were "the Special Commissioners for Irish Fisheries:"

And whereas doubts have arisen as to whether the power of appointing permanent inspectors of fisheries in the manner provided by the said "Salmon Fishery (Ireland) Act, 1863," can now be exercised:

And whereas it is expedient to remove such doubts, and also to amend "The Salmon Fishery (Ireland) Act, 1863," and the Acts continuing the temporary provisions of the same:

A.D. 1869.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as "The Salmon Fishery (Ireland) Act, 1869."

Power to appoint two inspectors.

2. From and after the passing of this Act it shall be lawful for the Lord Lieutenant of Ireland to appoint two inspectors of fisheries, notwithstanding anything in the said "Salmon Fishery (Ireland) Act, 1863," and the Acts mentioned in the schedule to this Act annexed, to the contrary; and when any vacancy shall in any manner arise in the office of such inspector it shall be lawful for the Lord Lieutenant to appoint a person to fill such vacancy.

Powers of commissioners transferred to inspectors.

3. All powers and duties transferred to, vested in, or imposed upon the said Special Commissioners under and by virtue of "The Salmon Fishery (Ireland) Act, 1863," shall be transferred to and vested in the inspectors of fisheries appointed under this Act.

Construction of certain provisions of Acts herein named.

4. In the construction of the said "Salmon Fishery (Ireland) Act, 1863," and the Acts to be construed therewith, the exemption from compliance with the provisions of section seventy-six of the Act fifth and sixth Victoria, chapter one hundred and six, of owners, lessees, occupiers, and other persons in respect of watercourses, cuts, channels, or sluices, where such watercourses, cuts, channels, or sluices are constructed for the purpose of conveying water from any river frequented by salmon as a moving power for machinery, shall be deemed to extend and shall extend only to such cases in which and for such periods during which it shall be proved to the satisfaction of the said inspectors of fisheries that such exemption is necessary for the effective working of any such machinery.

Lord Lieutenant, with consent of Treasury, to fix salaries, &c. and appoint additional officers.

5. It shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to fix such salaries as he may think fit for the inspectors appointed under this Act, and also, with the like approval, to appoint such additional officers, clerks, and servants, at such salaries as he may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and appoint others in their place.

SCHEDULE.

Expiring Laws Continuance Act, 1865.
Expiring Laws Continuance Act, 1866.
Expiring Laws Continuance Act, 1867.
Expiring Laws Continuance Act, 1868.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 10.

An Act for authorizing the Removal of Prisoners from one Colony to another for the purposes of Punishment. A.D. 1869.

[13th May 1869.]

WHEREAS it is expedient to amend the law relating to the removal of prisoners from one colony to another for the purposes of punishment:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Colonial Prisoners Removal Act, 1869."

Definition of terms: "Colony:"

2. For the purposes of this Act—

The term "colony" shall not include any place within the United Kingdom, the Isle of Man, or the Channel Islands, or within such territories as may for the time being be vested in Her Majesty by virtue of any Act of Parliament for the government of India, but shall include any plantation, territory, or settlement situate elsewhere within Her Majesty's dominions, and subject to the same local government; and for the purposes of this Act all plantations, territories, and settlements under a central legislature shall be deemed to be one colony under the same local government:

"Governor:"

The term "governor" shall include the officer for the time being administering the government of any colony:

"Legislative body."

The term "legislative body" shall mean any house of assembly or other body of persons having legislative powers in the colony, and where such body of persons consists of two separate houses it shall include both houses, and where there are local legislative bodies as well as a central legislative body shall mean the central legislative body only.

A.D. 1869.

Sect. 4. of 6 G. 4. c. 69. repealed.

3. The fourth section of the Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled "An "Act for punishing offences committed by transports kept to labour "in the colonies, and better regulating the powers of justices of the "peace in New South Wales," is hereby repealed, except so far as may be necessary for supporting or continuing any proceedings taken thereunder.

Prisoners may be removed from one colony to another for purposes of punishment.

4. Any two colonies may, with the sanction of an order of Her Majesty in Council, agree for the removal of any prisoners under sentence or order of transportation, imprisonment, or penal servitude from one of such colonies to the other for the purpose of their undergoing in such other colony the whole or any part of their punishment, and for the return of such prisoners to the former colony at the expiration of their punishment, or at such other period as may be agreed upon, upon such terms and subject to such conditions as may seem good to the said colonies.

The sanction of the order of Her Majesty in Council may be obtained, in the case of a colony having a legislative body, on an address of such body to Her Majesty, and in the case of any colony not having a legislative body, on an address of the governor of such colony; and such sanction shall be in force as soon as such order in council has been published in the colony to which it relates.

The agreement of any one colony with another shall for the purposes of this Act be testified by a writing under the hand of the governor of such colony.

Removal of prisoners to be by warrant.

5. Where the sanction of Her Majesty has been given to any such agreement as aforesaid relating to the removal of prisoners from one colony to another for the purpose of undergoing their punishment, any prisoners under sentence or order of transportation, imprisonment, or penal servitude may be removed from such one colony to the other under the authority of a warrant signed by the governor, and addressed to the master of any ship, or any other person or persons; and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to such other colony, and to deliver him when there into the custody of any authority designated in such warrant, or empowered by the governor of such last-mentioned colony to receive such prisoner.

Prisoner in legal custody during removal.

6. Every prisoner shall, from the time of his leaving his prison in one colony to the time of his reaching his prison in the other colony, be deemed to be in the legal custody of the person or persons empowered to remove him, and to be subject to the same

restraint, and, in the event of misbehaviour, to the same punishment, as if he had continued in prison, and as if the person or persons empowered to remove him were the gaoler or gaolers of such prison; and if he escape or attempt to escape from such custody, such prisoner, and every person aiding or attempting to aid him in such escape, shall be subject to the same punishment as if such escape or attempt to escape were an escape or attempt to escape from prison.

A prison shall mean any place of confinement or any place where the prisoners undergo punishment.

Any person punishable under this section may be tried and punished either in the colony from which the prisoner is being removed, or in the colony to which he is being removed; and the law applicable to such person shall be the law of the colony in which he is tried.

Liability of prisoner in colony to which he is removed.

7. Every prisoner shall, upon his delivery to the person having lawful authority to receive him in the colony to which he is removed, be subject within such colony to the same laws and regulations, and shall be dealt with in all respects in the same manner, as if he had been tried and received the same sentence in such colony as the sentence which has been passed on him in the colony from which he is removed.

Removals heretofore made to be valid for all purposes.

8. And whereas from time to time divers prisoners have been removed from one of Her Majesty's colonies to another, and doubts have been entertained whether such removals were legal, and how far such prisoners could be legally dealt with in the colonies to which they have been removed, and it is expedient that such doubts should be removed: Be it enacted as follows:

The removal of any prisoner heretofore made from one colony to another by or under the authority of the governor of either of such colonies, and any act done in relation to such removal by or under such authority, and the detention, custody, and treatment in either colony of the prisoner so removed, shall be deemed to have been as lawful and effectual for all purposes whatsoever as if this Act had been passed at the time of such removal, and had been in force in respect of both the colonies referred to in this section, and such removal had been duly made in pursuance of this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 11.

An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions. A.D. 1869.

[13th May 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Merchant Shipping (Colonial) Act, 1869." Short title.

2. In this Act, unless the context otherwise requires,— Definition of terms:

The term "British possession" means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act: "British possession:"

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only. "Legislature."

3. This Act shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

Coasting Trade.

4. After the commencement of this Act the legislature of a British possession, by any Act or Ordinance, from time to time, Regulation of coasting trade by

A.D. 1869.

colonial legislature.

may regulate the coasting trade of that British possession, subject in every case to the following conditions:

(1.) The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed.

(2.) The Act or Ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made.

(3.) Where by treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Sects. 328 and 163 of 16 & 17 Vict. c. 107. repealed.

5. The following sections of The Customs Consolidation Act, 1853, are hereby repealed; namely,

Section three hundred and twenty-eight as from the commencement of this Act:

Section one hundred and sixty-three as from the date in the case of each British possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire.

Merchant Shipping.

Registrars of British ships in British possessions.

6. It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made.

After the date specified in the order, or, if no date is specified, after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of the Merchant Shipping Act, 1854.

Application of Merchant Shipping Acts to Canada.

7. In the construction of The Merchant Shipping Act, 1854, and of the Acts amending the same, Canada shall be deemed to be one British possession.

Colonial certificates to master, mates, and engineers.

8. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council,

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts:
2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order:
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the London Gazette of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council to revoke any order made under this section.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 12.

An Act for Protection of Naval Stores. [13th May 1869.] A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Naval Stores Act, 1869.

Interpretation of terms.

2. In this Act—

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "stores" includes all goods and chattels, and any single store or article.

30 & 31 Vict. c. 119. repealed, but not to revive certain enactments.

3. The Naval Stores Act, 1867, is hereby repealed; but this repeal shall not apply or have effect to or in respect of any offence, act, or thing committed or done before the passing of this Act, or affect the revivor of any enactment revived by the Act hereby repealed.

Marks in schedule appropriated for naval stores.

4. The marks described in the schedule to this Act may be applied in or on stores therein described in order to denote Her Majesty's property in stores so marked; and it shall be lawful for the Admiralty, their contractors, officers, and workmen, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Obliteration with intent to conceal-

5. If any person with intent to conceal Her Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, he shall be guilty of felony, and shall

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on conviction thereof be liable in the discretion of the court before which he is convicted to be kept in penal servitude for any term not exceeding five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Power for policemen of metropolitan force to stop suspected persons, &c., and punishment for possession, &c.

6. A constable of the metropolitan police force may, within any of Her Majesty's dock, victualling, or steam factory yards, and the area connected therewith, for which he is sworn, stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained; and if any person is brought before two justices of the peace charged with having or conveying in any manner any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the justices how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction before two justices, to a penalty not exceeding five pounds, or, in the discretion of the justices, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. within 100 yards of dockyards, &c.

7. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, (proof of which permission shall lie on the party accused,) to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or steam factory yards, or in or on any part of the spaces or distances from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships at Portsmouth, Devonport, or elsewhere, whether covered with water or not.

Penalty.

If any person acts in contravention of this provision he shall be liable, on summary conviction before a justice of the peace, to a penalty not exceeding five pounds, or, in the discretion of the justice, to be imprisoned for any term not exceeding three months, with or without hard labour.

Penalty on dealer, &c. found in

8. If stores are found in the possession or keeping of a person being in Her Majesty's service, or in the service of the Admiralty,

A.D. 1869.

possession of stores, and not accounting for them.

or being a dealer in marine stores or in old metals, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a justice of the peace, and the justice sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the justice that he came lawfully by the stores found, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Conviction of dealer in old metals. 24 & 25 Vict. c. 110.

9. A conviction under any provision of this Act of a dealer in old metals shall, for the purposes of registration and its consequences under The Old Metal Dealers Act, 1861, be equivalent to a conviction under that Act.

Parts of 24 & 25 Vict. c. 96. incorporated.

10. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate and amend the Statute Law of England "and Ireland relating to larceny and other similar offences," are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were here re-enacted, namely, sections ninety-eight to one hundred, one hundred and three, one hundred and seven to one hundred and thirteen, and one hundred and fifteen to one hundred and twenty-one, all inclusive; and for this purpose the expression "this Act," where used in those sections, shall be taken to include the present Act.

Penalties, &c. to be applied under orders of Admiralty.

11. Notwithstanding anything in any Act relating to municipal corporations or to the metropolitan police force, or in any other Act, any pecuniary penalty or other money recovered under this Act shall be paid and applied under such regulations as the Admiralty, with the concurrence of the Treasury, may from time to time make.

Not to prevent persons being indicted under this Act, &c.

12. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for

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any offence by this Act, so that no person be punished twice for the same offence.

Amendment of sect. 45. of 28 & 29 Vict. c. 89.

13. Section forty-five of The Greenwich Hospital Act, 1865, shall be read and have effect as if this Act, instead of The Naval and Victualling Stores Act, 1864, were referred to in that section.

Extent of Act.

14. This Act shall not extend to Scotland or Ireland.

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Stores.

Stores.	Marks.
Hempen cordage and wire rope. -	White, black, or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks and seamen's bags.	A blue line in a serpentine form.
Buntin - - - -	A double tape in the warp.
Candles - - - -	Blue or red cotton threads in each wick or wicks of red cotton.
Timber, metal, and other stores not before enumerated.	The broad arrow.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's-most Excellent Majesty. 1869.

CHAP. 13.

An Act for amending the Law relating to the Militia. A.D. 1869.

[13th May 1869.]

WHEREAS it is expedient to make better provision for the united action of Her Majesty's regular forces and the militia at times when they are associated together for the purpose of training and exercise, and further to amend the law relating to the militia:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Militia when in training may be placed under command of general officers.

1. Her Majesty and the Lord Lieutenant or Chief Governor of Ireland may exercise the same power of placing any regiment, battalion, or corps of militia called out for training and exercise under the command of general officers of the regular forces as Her Majesty and the Lord Lieutenant or Chief Governor of Ireland respectively now have, under the statutes regulating the respective militias of England, Scotland, and Ireland, of placing any such regiment, battalion, and corps under such command when the militia is drawn out or embodied for actual service under the said statutes.

Power to attach officers of regular forces to militia regiments.

2. Her Majesty may upon the requisition of the Lord Lieutenant attach any officer of the regular forces to any regiment, battalion, or corps of militia during, and for the purpose of assisting in, the training and exercise thereof; and such officer while so attached shall obey the commands of the superior officers in the militia as his superior officers, and exercise all the power and authority of a militia officer in such regiment, battalion, or corps, but retain the same relative rank with respect to the officers of militia as an officer of Her Majesty's regular forces is entitled to according to the regulations of the service; and any non-commissioned officer of the regular forces while employed to assist in the training and exercise

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of any such regiment, battalion, or corps shall, while so employed, obey the commands of the superior officers of the militia as his superior officers, and exercise all the power and authority of a militia non-commissioned officer in such regiment, battalion, or corps.

Abolition of property qualification for militia officers.

3. From and after the passing of this Act, an officer of the militia shall not be required to have any property qualification.

Volunteers not to claim discharge on ground of error, &c. in enrolment, &c.

4. No militia volunteer who has, before or after the passing of this Act, received pay and been borne on the strength and pay list of any regiment of militia for one whole period of training and exercise, shall be entitled to claim his discharge on the ground of error or illegality in his enrolment or re-enrolment, or on any ground whatsoever, but, on the contrary, every such volunteer shall be deemed to have been duly enrolled or re-enrolled, as the case may be.

LONDON: Printed by George Edward Eyre and William Spottiswoode
Printers to the Queen's most Excellent Ma esty. 1869.

CHAP. 14.

An Act to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue. [24th June 1869.] A.D. 1869.

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.
As to Customs.

Grants of duties of customs in schedule (A.)

1. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of customs specified in schedule (A.) to this Act; and all the provisions contained in any Act relating to customs duties, and in force at the time of the passing of this Act, shall have as full force and effect with respect to the said duties of customs granted by this Act, so far as the same are applicable, as if the same had been herein expressly enacted with reference to the said duties so granted.

Eau de Cologne charged per gallon instead of per flask.

2. The duty of customs upon all Cologne water on the importation thereof into Great Britain and Ireland shall be charged at the rate of fourteen shillings per gallon, whether imported in flasks or otherwise.

Extracts of malt admissible in transit, &c.

3. From and after the passing of this Act it shall be lawful to import into Great Britain and Ireland extracts and essences of malt, or other concentrations thereof, in transit, or to be warehoused for exportation only.

A.D. 1869.

Repeal of duties on corn, &c.

4. The duties of customs chargeable upon the articles next hereinafter mentioned imported into Great Britain and Ireland shall cease and determine on and after the first day of June one thousand eight hundred and sixty-nine; viz.,

Corn, grain, meal, and flour, and articles of the like character, viz.,

Wheat.
Barley.
Oats.
Rye.
Pease.
Beans.
Maize or Indian corn.
Buck wheat.
Bear or bigg.
Wheat meal and flour.
Barley meal.
Oat meal and groats.
Rye meal and flour.
Pea meal.
Bean meal.
Maize or Indian corn meal.
Buckwheat meal.
Meal not otherwise enumerated or described.
Arrowroot.
Barley, pearled.
Biscuit and bread.
Cassava powder.
Maccaroni.
Mandioca flour.
Manna croup.
Potato flour.
Powder, viz., hair.
Powder, perfumed.
Powder not otherwise enumerated or described, that will serve the same purpose as starch.
Rice dust and meal.
Sago.
Semolina.
Starch.
Starch, gum of, torrified or calcined.
Tapioca.
Vermicelli.

Part II.

As to Income Tax, Land Tax, and Inhabited House Duty.

Grant of duties of income tax specified in schedule (B.)

5. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of income tax specified in schedule (B.) to this Act; and all the provisions contained in any Act relating to the duties of income tax, and in force on the fifth day of April one thousand eight hundred and sixty-nine, and not repealed by this Act, shall have as full force and effect with respect to the said duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act, as if the same had been herein expressly enacted with reference to the said duties so granted; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and sixty-nine.

The sums assessed to the income tax under schedules (A.) and (B.) of 16 & 17 Vict. c. 34. for the year 1868 to be taken as the annual value for assessment under this Act.

6. The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the Act passed in the thirtieth year of Her Majesty's reign, chapter twenty-three, under schedules (A.) and (B.) respectively of the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, shall (except in cases for which other provision is made by the Acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine; and the duties of income tax granted by this Act and chargeable, under the said schedules respectively, shall be computed, assessed, and charged according to such annual value or amount; and the commissioners executing the income tax Acts shall, for each place within their several and respective districts, cause duplicates of the assessments of the said duties, so computed, assessed, and charged under the said schedules (A.) and (B.) for the said last-mentioned year, to be made out and delivered, together with the warrants for collecting the same; and in England the said commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said commissioners shall think fit to be collectors of the duties

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thereby charged, in like manner as if such persons had been presented to them by assessors under the Acts now in force: provided always, that the said assessment shall be subject to be increased in like manner as the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, and subject also to be abated or discharged at the end of the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for any cause allowed by the said Acts; provided, that whenever it shall appear that any property, profits, or gains chargeable under the said schedules (A.) and (B.) respectively have not been charged by the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, such property, profits, and gains shall be assessed to the duties of income tax granted by this Act under the provisions of the said several Acts applicable thereto.

Assessors not to be appointed for duties under schedules (A.) and (B.)

7. No assessors shall be appointed for the duties payable under the said schedules (A.) and (B.), but the inspectors or surveyors of taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by the one hundred and eighty-third section of the Act of the fifth and sixth years of Her Majesty, chapter thirty-five, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a poundage of three halfpence to the collectors of the said duties.

Repeal of provisions requiring land tax, inhabited house duty, and certain duties of income tax to be paid quarterly.

8. The provisions made by any of the several Acts relating to the land tax or the duties on inhabited houses for the collection and payment of the land tax or the said duties in quarterly payments or instalments are hereby repealed; and the provisions made by any Act relating to the duties of income tax for the collection and payment in quarterly instalments of the said last-mentioned duties, except such as are payable by way of deduction, or are assessable in respect of railways, are also hereby repealed: And the land tax assessed in England for the year from the twenty-fifth day of March one thousand eight hundred and sixty-nine and ending on the twenty-fifth day of March one thousand eight hundred and seventy, and the duties on inhabited houses assessed in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine and ending on the fifth day of April one thousand eight hundred and seventy, and the duties of income tax, except such as are payable by way of deduction or are assessable as aforesaid, assessed in England or Ireland for the year commencing and ending as last mentioned, shall be payable on or before the first day of January

The same to be payable every year on or before the 1st January.

one thousand eight hundred and seventy; and the land tax, and the duties on inhabited houses, and the duties of income tax (except as aforesaid), in every assessment in England for every year subsequent to the twenty-fifth day of March one thousand eight hundred and seventy, or the fifth day of April one thousand eight hundred and seventy, as the case may be, and the said duties of income tax (except as aforesaid) in assessment in Ireland for every year subsequent to the fifth day of April one thousand eight hundred and seventy, shall be payable on or before the first day of January in each year.

Collectors to account for duties after the 1st day of January in every year.

9. The collectors of the said land tax and duties shall pay or account for the same to the proper officer for receipt on the day to be appointed for the receipt of the said land tax and duties next after the first day of January in every year.

Delivery of schedules of arrears.

10. Any schedule of arrears of the said land tax or duties delivered at any receipt as aforesaid shall have the like force and effect as if delivered at the time or times appointed by the Act passed in the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-one, for the delivery of such schedules.

Exemption from inhabited house duties of trade premises under care of servant only.

11. From and after the fifth day of April one thousand eight hundred and sixty-nine, any tenement or part of a tenement occupied as a house for the purposes of trade only, or as a warehouse for the sole purpose of lodging goods, wares, or merchandize therein, or as a shop or counting-house, or being used as a shop or counting-house, shall be exempt from inhabited house duties, although a servant or other person may dwell in such tenement or part of a tenement for the protection thereof.

Part III.

As to Duty on Fire Insurances.

Repeal of the percentage duty on fire insurances.

12. On the twenty-fifth day of June one thousand eight hundred and sixty-nine, the stamp duty at the rate of one shilling and sixpence per centum per annum now payable for and in respect of insurances against loss or damage by fire only, shall cease and determine; and the several Acts and parts of Acts specified in the schedule marked (C.) to this Act are hereby repealed, save so far as respects any insurance made or renewed prior to the twenty-fifth day of June one thousand eight hundred and sixty-nine, and as respects any forfeiture or penalty incurred in respect of any offence against any enactment so repealed.

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Provision as to return of part of per-centage duty in certain cases.

13. Where any insurance against loss or damage by fire only may have been or shall be made or renewed after the twelfth day of April one thousand eight hundred and sixty-nine, and before the twenty-fifth day of June one thousand eight hundred and sixty-nine, for any period extending beyond the last-mentioned day, so much of the stamp duty at the rate of one shilling and sixpence per centum per annum paid for such insurance as may have been so paid in respect of any time subsequent to the twenty-fourth day of June one thousand eight hundred and sixty-nine shall, upon proof made of the truth of the facts, be allowed and returned.

Part IV.

As to the Duties on Tea Licences.

Repeal of excise licence for sale of tea, &c.

14. From and after the fifth day of July one thousand eight hundred and sixty-nine, it shall not be necessary for any person trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, to take out an excise licence for that purpose; and from and after the said day the enactments specified in schedule (D.) to this Act annexed shall be repealed, save as to any duties or penalties that may have been incurred previous thereto.

Provision as to rights of grocers in Ireland.

15. With reference to the fourth section of the Act passed in the sixth year of the reign of King George the Fourth, chapter eighty-one, all persons who shall deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper in Ireland shall have the same rights, and be subject and liable to the same regulations, forfeitures, and penalties, as they would have had and been subject and liable to if this Act had not been passed, and they had been licensed under the said Act to deal in or sell any of the articles aforesaid.

Part V.

As to Assessed Taxes and Excise Licences.

Repeal of certain duties of assessed taxes.

16. The duties of assessed taxes now payable in Great Britain shall cease to be assessed in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the fifth day of April one thousand eight hundred and sixty-nine in England, and after the twenty-fourth day of May one thousand

eight hundred and sixty-nine in Scotland, and on persons using or exercising the trade and business of horse dealers after such days respectively; but all enactments as to the said duties shall remain in full force and effect as to all assessments of the said duties or any of them made or which ought to be made in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, and in Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and sixty-nine, in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the fifth day of April one thousand eight hundred and sixty-eight in England, or after the twenty-fourth day of May one thousand eight hundred and sixty-eight in Scotland, and on persons using or exercising the trade and business of horse dealers after such last-mentioned days respectively, and as to any arrears of or penalties incurred in relation to the said duties, or any of them, for any year.

Repeal of certain duties of excise, viz.:

17. On the first day of January one thousand eight hundred and seventy the following duties of excise shall cease to be payable, viz.:

Licences to let horses in Great Britain.

The duties upon licences to be taken out by persons who shall let horses for hire in Great Britain;

Licences to let post horses in Ireland.

The duties upon licences to let to hire horses for the purpose of travelling post by the mile or from stage to stage in Ireland;

Hackney carriage licences and duties.

The duties upon licences to keep, use, and let to hire hackney carriages within the limits of the metropolitan police district and the city of London, and also the weekly duties payable in respect of such hackney carriages;

Stage carriage licences and duties.

The duties upon licences to keep, use, and employ stage carriages in Great Britain, and also the mileage duty payable in respect of such stage carriages;

but all enactments as to the said duties respectively shall remain in full force and effect as to any of the said duties which shall be owing or in arrear on the said day, and as to any offences which shall have been committed against any of the said enactments previous thereto.

New duties of excise granted.

18. On and after the first day of January one thousand eight hundred and seventy there shall be granted, charged, levied, and paid, for the use of Her Majesty, her heirs and successors, in and throughout Great Britain, under and subject to the provisions

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and regulations in this Act contained, the following duties, that is to say:

	£	s.	d.
For every male servant	0	15	0
For every carriage—			
If such carriage shall have four or more wheels, and shall be of the weight of four hundredweight or upwards	2	2	0
If such carriage shall have less than four wheels, or, having four or more wheels, shall be of a less weight than four hundredweight	0	15	0
For every horse or mule	0	10	6
For armorial bearings—			
If such armorial bearings shall be painted, marked, or affixed on or to any carriage	2	2	0
If such armorial bearings shall not be so painted, marked, or affixed, but shall be otherwise worn or used	1	1	0
For every horse dealer	12	10	0

And such duties respectively shall be paid annually upon licences to be taken out under the provisions of this Act by the person who shall employ the servant, or shall keep the carriage, or horse or mule, or shall wear or use the armorial bearings, or shall exercise or carry on the trade of a horsedealer.

Duties to be excise duties, and to be under the management of Commissioners of Inland Revenue.

And such duties and licences shall be excise duties and licences, and shall be under the management of the Commissioners of Inland Revenue; and, subject to the provisions of this Act, all the powers, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the duties and the licences under this Act and the penalties hereby imposed, so far as the same are applicable and consistent with the provisions of this Act, as fully and effectually as if the same had been herein specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively; and the said licences shall be in such form and shall be granted by such officer as the said Commissioners shall direct, and shall be dated on the day of granting the same, and shall expire on the thirty-first day of December then next following.

Provisions and regulations to be observed.

19. The provisions and regulations contained in this section shall be observed, viz.:

(1.) It shall not be necessary for any member of the Royal Family to make any declaration or to take out any licence under

this Act, nor shall it be necessary for the sheriff of any county, or mayor or other officer in any corporation or royal burgh serving an annual office therein, to take out a licence for any servants, carriages, or horses employed or kept by him for the purposes of his office during his year of service, nor for any person who shall by right of office wear or use any of the arms or insignia of any member of the Royal Family, or of any corporation or royal burgh, to take out a licence in respect of the use of such arms or insignia:

(2.) It shall not be necessary for any person ordinarily residing in Ireland, and being a representative peer on the part of Ireland or a member of the House of Commons, and not residing in Great Britain longer than during the session of Parliament, and forty days before and forty days after the session, or for any person ordinarily residing in Ireland and residing in Great Britain by the order or direction of the Lord Lieutenant for the time being or of his chief secretary, for the purpose of public business, to make any declaration or to take out any licence under this Act in respect of any servants, carriages, horses or mules, or armorial bearings employed, kept, or used by him, save in respect of any subject matter of duty which shall be employed, kept, or used by such person in Great Britain during his residence in Ireland.

As to Male Servants.

(3.) The term "male servant" means and includes any male servant employed either wholly or partially in any of the following capacities; that is to say, maître d'hôtel, house steward, master of the horse, groom of the chambers, valet de chambre, butler, under butler, clerk of the kitchen, confectioner, cook, house porter, footman, page, waiter, coachman, groom, postilion, stable boy or helper in the stables, gardener, under gardener, park keeper, gamekeeper, under gamekeeper, huntsman, and whipper-in, or in any capacity involving the duties of any of the above descriptions of servants, by whatever style the person acting in such capacity may be called:

(4.) Every person who shall furnish any male servant on hire shall, for the purposes of this Act, be deemed to be the employer of such servant:

(5.) It shall not be necessary for licences to be taken out in the following cases, viz.;

By any officer in Her Majesty's army or navy for any servant, being a soldier in the army or a person actually

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borne upon the books of a ship, and employed by such officer in accordance with the regulations of Her Majesty's service:

By any licensed retailer of exciseable liquors or licensed keeper of a refreshment house for any servant employed by him solely for the purposes of his business, such servant being the only male servant employed by him:

By any person who shall have made entry of his premises in accordance with section twenty-eight of this Act for any servant employed by him at such premises in the course of his trade, other than a servant employed to drive a carriage with any horse let to hire for any period exceeding twenty-eight days; provided that such person shall have complied with all the provisions contained in the said section.

By any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any servant necessarily employed by him to drive such stage or hackney carriage, or in the care of such stage or hackney carriage or of the horse or horses kept and used by him to draw the same.

As to Carriages.

(6.) The term "carriage" means and includes any vehicle drawn by a horse or mule, or horses or mules, except a waggon, cart, or other vehicle used solely for the conveyance of any goods or burden in the course of trade or husbandry, and whereon the christian name and surname and place of abode or place of business of the owner or the name or style and principal or only place of business of the company or firm owning the same shall be visibly and legibly painted in letters of not less than one inch in length.

(7.) Every person who shall let any carriage for hire shall, for the purposes of this Act, be deemed to be the person keeping such carriage.

As to Horses and Mules.

(8.) The term "horse" means and includes a horse or pony of any sex or description or age, except a foal, colt, or filly which shall never have been used for any purpose of draught or riding; and the term "mule" includes only such mule as shall have been at any time used for any purpose of draught or riding.

(9.) Every person who shall let any horse or mule for hire shall, for the purposes of this Act, be deemed to be the person keeping the same.

(10.) Any officer (not being commandant) and any member of the yeomanry or volunteer force required to use, and who shall have used, his horse on duty, and any person who shall have gratuitously furnished any horse which shall have been used on duty by any such officer or member as aforesaid, or for conveying any gun or any waggon or other military carriage in the service of the yeomanry or volunteer force, shall be entitled, after the expiration of any year ending on the thirty-first of December, to repayment of the duty paid by him for any licence in respect of any horse so used as aforesaid during such year; provided that upon any claim being made for repayment of duty such affidavits and certificates as are mentioned in the eleventh section of the Act passed in the forty-fourth year of the reign of King George the Third, chapter fifty-four, and the forty-second section of the Act passed in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter sixty-five, respectively, and are applicable to the particular claim, shall be produced by the person applying for repayment; and provided that such affidavits and certificates respectively shall have reference to the use of any such horse for a year ending on the thirty-first of December.

(11.) Any field officer, adjutant, musketry instructor, or surgeon of a regiment of militia who shall be returned in the manner required by law as effective shall be entitled after the expiration of any year to repayment of the duty paid for a licence in respect of any horse used for the service of the militia in such year; provided that any application for repayment shall be accompanied by a certificate duly signed in the following form:

'I , commanding officer of the 'regiment of militia, do hereby certify that was 'a commissioned and serving in the said 'regiment as an effective member thereof, and that he 'kept one horse for the service of the militia in the year 'ended on the thirty-first day of December one thousand 'eight hundred and .'

(12.) It shall not be necessary for licences to be taken out in the following cases; viz.

By any officer serving in any of Her Majesty's regular forces for any horse or horses required by the regulations of the service to be kept by him;

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By any effective officer commanding a volunteer corps for any number of horses not exceeding two kept by such officer for service in such corps;

By any person for any horse or mule kept by him solely for the purpose of husbandry or use in his business of a market gardener, and which shall not be used for riding or for drawing any carriage for the keeping or using of which a licence is required by this Act;

By any person in respect of any mare which shall be kept for the sole purpose of breeding;

By any person for any horse or mule used solely by him in any underground mine;

By any horsedealer duly licensed under this Act for any horse or mule, being his property and kept on his premises for sale, and which shall not be let for hire;

By any person for any horse for which duty has been previously paid as a race horse for the same year.

As to Armorial Bearings.

(13.) "Armorial bearings" means and includes any armorial bearing, crest, or ensign, by whatever name the same shall be called, and whether such armorial bearing, crest, or ensign shall be registered in the College of Arms or not.

(14.) Any person who shall keep any carriage, whether owned or hired by him, shall be deemed to wear and use any armorial bearings painted or marked thereon or affixed thereto.

(15.) It shall not be necessary for a licence to be taken out by any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any armorial bearings painted or marked on such stage or hackney carriage.

Notice to be affixed on or near the church door as to duties and declarations under this Act.

20. On or before the first day of January one thousand eight hundred and seventy, and on or before the first day of January in every subsequent year, the said Commissioners shall cause to be placed upon or near to the door of every church in Great Britain a printed or written notice setting forth the duties payable upon licences required to be taken out under this Act, and stating from whom forms of declaration under this Act can be obtained by persons residing within the parish in which the church is situated, and to whom the declarations when filled up and signed are to be delivered, and the duties paid, and by whom the licences are to be granted, and every such notice shall be kept affixed upon or near

to the door of such church for such time as the said Commissioners shall direct; provided that the liability of any person to fill up, sign, and deliver any declaration, or to pay duties and take out licences, shall not be affected, nor shall any proceeding of any kind nor any act done by any person in pursuance of this Act be deemed to be invalid or unlawful, by reason of such notice not having been placed or kept affixed as aforesaid. A.D. 1869.

Commissioners to provide forms of declaration.

21. The said Commissioners shall cause to be prepared and issued to every person applying for the same such forms of declarations and books of account as may be required for carrying out the purposes of this Act.

Persons keeping servants, &c. to make declarations.

22. Every person employing any male servant, or keeping any carriage, horse, or mule, or wearing or using any armorial bearings, or exercising or carrying on the trade of a horsedealer, shall fill up and sign a declaration in the prescribed form wherein shall be stated the following particulars; viz.,

The number of male servants employed by him, and in what capacity:

The number of carriages kept by him, and the number of wheels of each carriage, and also whether any carriage having four or more wheels shall weigh less than four hundredweight:

The number of horses and mules kept by him:

Whether he wears or uses armorial bearings, and, if so, whether the same are painted, marked, or affixed on any carriage kept by him:

The number of male servants or carriages or horses or mules hired by him, with the name and address of the person from whom he shall have hired the same:

And, if he exercises or carries on the trade of a horsedealer, state at what place or places, and the number of horses and mules kept by him otherwise than for sale:

And also such further particulars as the said Commissioners may, by the form of declaration, require to be therein stated.

And if a licence is unnecessary in respect of any of the above particulars under the provisions and regulations of this Act, the declaration shall contain a further statement showing—

In what respect, and upon what ground, the licence is unnecessary.

And such person shall deliver the declaration so filled up and signed by him, and shall pay the duties to which he shall by such declaration appear to be liable to the person or persons named therein as the person or persons appointed to receive such declara-

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tion and duties respectively, before the expiration of the month of January in each year, or before the expiration of twenty-one days from the day of his commencing to employ any servant, or to keep or use any carriage, horse, or mule, or to wear or use any armorial bearings, or to exercise or carry on the trade of a horsedealer.

Additional declaration to be made, and further duties paid when required.

23. Whenever any person who shall have delivered a declaration under the preceding section shall become liable to further duties by reason of his employing a greater number of male servants, or keeping a greater number of carriages, horses, or mules, than he shall have returned in such declaration, or by reason of any change in the character of any carriage kept by him, or in the mode of wearing or using armorial bearings, he shall fill up and sign an additional declaration, specifying, with reference to such liability, the particulars required by the said preceding section, and shall deliver such additional declaration so filled up and signed, and pay such further duties as by such last-mentioned declaration shall appear to be payable by him to the person or persons named therein as the person or persons appointed to receive such declaration and duties respectively, before the expiration of twenty-one days from the day of his becoming so liable as aforesaid: provided that when payment shall be made of further duty by reason of any change in the character of any carriage, or in the mode of wearing or using armorial bearings, the duty already paid in respect of the carriage or armorial bearings shall be allowed and repaid.

Special notice requiring declaration may be served on any person.

24. The said commissioners may direct a special notice to be served upon any person, requiring such person to fill up, sign, and deliver to the officer named in such notice a form of declaration to be left with such notice stating whether such person is liable to the payment of any of the duties imposed by this Act or not, and also the several particulars required by section twenty-two of this Act, so far as the same shall be applicable, and to pay the duties with which he shall appear by such declaration to be chargeable to the person named therein within fourteen days from the date of the service of such special notice.

Penalty for neglect to deliver declaration, or for delivering an untrue declaration.

25. Every person who shall neglect or refuse to deliver any declaration in conformity with the provisions of this Act, and every person who shall deliver a declaration wherein the particulars required by this Act to be therein set forth shall not be fully and truly stated, shall forfeit the penalty of twenty pounds, and that over and above any duties to which he may be liable.

Licences to be granted for duties paid.

26. Any person appointed to grant licences shall grant and deliver to every person who shall pay to him any duties a licence or licences under this Act, in which licence or licences shall be

specified the particulars of the duties paid, the year for which the duties shall be paid, with any other particulars the said commissioners may direct; and no licence shall be granted except upon payment of the full duties imposed by this Act, nor shall any licence granted under this Act be transferred to any person other than the widow of the person to whom such licence shall have been originally granted, or to his executors or administrators, or to his assignees in bankruptcy.

Penalty for not taking out licence.

27. Every person who shall employ any male servant, or keep any carriage, horse, or mule, or wear or use any armorial bearings, or exercise or carry on the trade of a horsedealer, without having a proper licence under this Act, and every person who shall employ a greater number of male servants, or shall keep a greater number of carriages, horses, or mules, than he shall be authorized to employ or keep by any licence or licences granted under this Act, or shall wear or use armorial bearings otherwise than as authorized by any such licence, shall forfeit the penalty of twenty pounds over and above any other penalty to which such person may be liable; provided that such penalty shall not be recoverable where the defendant in any proceeding for the recovery of the same shall prove to the satisfaction of the justices before whom such proceeding shall be depending that he had delivered a declaration, and paid the proper duties, and obtained a proper licence, within the time prescribed by this Act; provided also, that if in any proceeding for recovery of the said penalty any question shall arise as to the number of servants employed, or the number of carriages, horses, or mules kept or used, or the weight of any carriage kept or used, by the defendant, or whether the defendant was entitled to any exemption from licence under the provisions and regulations contained in this Act, the burden of proving the number or weight, or right to exemption, as the case may be, shall lie upon the defendant.

Penalty not recoverable where duties are paid within time prescribed.

Persons who carry on certain trades may enter their premises, and shall then paint their names, &c. thereon.

28. Every person who exercises or carries on the trade of a horsedealer or of a livery stable keeper, or who lets any horse for hire, or who keeps any horse to be used for drawing any public stage or hackney carriage, may, if he shall think fit, deliver to an officer of inland revenue acting in the parish or place in which his premises are situated an entry in writing, signed by such person, containing a description of the premises and of the purpose for which he uses or intends to use them; and every person who shall have delivered any such entry shall cause to be legibly painted upon some conspicuous part of the premises so entered, or upon a board affixed thereto, his

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christian name and surname, with the addition of such other words as shall denote the particular trade or business, or trades or businesses (if more than one), carried on by him; and such person shall also allow any officer of inland revenue at any reasonable time to inspect the entered premises; and if any person who shall have delivered any such entry as aforesaid shall neglect to comply with the provisions of this section, or any of them, he shall forfeit a penalty of twenty pounds.

Livery stable keepers and other persons to keep books of account containing certain particulars.

29. Every livery stable keeper shall from time to time enter in a book an account of every carriage, horse, and mule standing at livery or otherwise on his premises, with the christian name and surname and place of abode of the person to whom such carriage, horse, or mule shall belong. And every person who shall furnish any servant on hire, or let any carriage, horse, or mule for hire to be kept away from his premises, shall from time to time enter in a book an account of every such servant, carriage, horse, or mule, with the name of such servant, the number of wheels of such carriage, and the name and address of the person hiring such servant, carriage, horse, or mule; and all such books shall at all reasonable times in the day time be open to the inspection of any officer of inland revenue, who shall have power to make any extract therefrom; and any person who shall neglect or refuse to do any act or thing required to be done by this section, or who shall prevent or obstruct any officer of inland revenue in the exercise of any duty or power imposed upon or vested in him by this section shall forfeit the penalty of twenty pounds.

Recovery of duties.

30. If any person who shall have delivered any declaration under this Act shall not within the time prescribed in that behalf have paid the duties appearing by such declaration to be payable by him, the officer of inland revenue acting in the parish or place wherein he shall reside or shall carry on business shall serve such person with a notice, requiring him, within seven days from the date thereof, to pay the duties according to such declaration; and upon neglect or refusal to pay such duties it shall be lawful for the collector, or person acting as collector, of inland revenue, within whose collection the parish or place in which such person shall reside or carry on business shall be situated, upon receiving from the said officer a certificate of such neglect or refusal, to issue his warrant to any officer of inland revenue to distrain such person by his goods and chattels; and such warrant shall have the same force and effect as the levy warrant referred to in the Excise Act of the seventh and eighth years of King George the Fourth, chapter fifty-three, section eighty-

nine, and the distress so taken shall be kept for the space of four days at the costs and charges of the person so distrained; and if the said person shall not pay the duties, together with the costs and charges within the said four days, then the distress shall be sold and the proceeds of sale shall be applied in satisfaction of the duties and the costs and charges of taking, keeping, and selling the said distress, and the surplus (if any) shall be handed over to the person distrained; and where for the purpose of distraining it shall be necessary to break open the door of any house the officer shall distrain in the presence of a police or other constable; and where no sufficient distress can or may be found, then and in every such case any two of the said commissioners are hereby authorized by warrant under their hands to commit the defaulter to the common gaol or house of correction for the place where such defaulter shall be arrested, there to be kept until payment shall be made or he shall be released by order of the said commissioners; and any warrant of distress or commitment issued by virtue of this Act may be in the form given in schedule (F.) to this Act, and may be executed in any part of the United Kingdom.

Assignee to pay duties owing by bankrupt.

31. When any person against whom a warrant of distress shall have been issued as directed in the preceding section shall be or shall have become bankrupt, so that a levy upon his goods and chattels cannot be made, the assignee, or other person in whom the estate of the said bankrupt shall be vested by operation of law, shall, out of any moneys that may be in or come to his hands in respect of the bankrupt's estate, pay to the said commissioners, for the use of Her Majesty, the amount of duties for which the said warrant of distress shall have been issued.

What shall be service of notice and summons.

32. Every notice to be served under the provisions of this Act, and every summons upon any information for recovery of a penalty imposed by this Act, may be served personally or left at the usual or last known place of abode of the person to be served.

Licences to be produced when required. Penalty.

33. If any person who shall have taken out a licence or licences under this Act shall not produce and deliver such licence or licences to be examined and read by any officer of inland revenue within a reasonable time after such officer shall request the production of the same, he shall forfeit the penalty of five pounds.

Commissioners to repay one fourth part of the amount paid for post horse licences.

34. The said Commissioners shall, on or after the first day of January one thousand eight hundred and seventy, repay to any person who shall have taken out a licence to let horses for hire in Great Britain expiring on the fifth day of April one thousand eight hundred and seventy a sum of money equal to one

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fourth part of the annual amount payable in respect of such licence.

Stage carriage licences expiring on first Sunday in November 1869 to continue in force until 31st December following.

35. Whereas certain licences to keep, use, and employ stage carriages will, under the laws now in force, expire on the first Sunday in the month of November one thousand eight hundred and sixty-nine: Be it enacted, that all such licences shall continue in force until the thirty-first day of December then next following; and the holders of such licences shall respectively be liable to and chargeable with the payment of the same rate and amount of duties as are chargeable upon them according to the terms of such licences until and inclusive of the said thirty-first day of December.

Provision as to duty to be paid on hackney carriages in the last week of the year.

36. Whereas the duty in respect of hackney carriages licensed within the metropolitan police district is a weekly duty and imposed by the week, including and ending on a Sunday, and the said duty is by this Act to cease on Saturday the first day of January one thousand eight hundred and seventy: Be it enacted, that the duty payable in respect of every such hackney carriage for the week commencing on Monday the twenty-seventh day of December next shall be the sum of five shillings.

Provision for payment of duty on carriages let for hire under existing contracts.

37. In the case of any contract made before the passing of this Act for the hire of any carriage for a period of a year or upwards, it shall be lawful for the person letting such carriage and he is hereby empowered to add the amount of duty paid by him from time to time under the provisions of this Act in respect of such carriage to the sum agreed to be paid for the hire thereof under any such contract, and to recover such duty from the hirer of such carriage.

Provision as to certain shepherds' dogs with reference to 30 Vict. c. 5.

38. In the case of a person following the calling and occupation of a shepherd, and keeping a dog solely for the purpose or in the exercise of such calling and occupation, the hirer or employer of the shepherd shall, so far as respects the liability to the duty imposed by the Act of the thirtieth Victoria, chapter five, be deemed to be the person keeping such dog: Provided always, that the licence for any such dog shall be granted in the name of the shepherd, who shall after the granting thereof be deemed to be the person licensed to keep the dog within the meaning of the said Act.

Repeal of enactments in schedule (E.)

39. The several Acts and parts of Acts specified in schedule (E.) to this Act are hereby repealed, save as mentioned in the sixteenth and seventeenth sections of this Act.

SCHEDULE (A.)

CONTAINING THE DUTIES OF CUSTOMS GRANTED BY THIS ACT.

Continuation of duty on tea.

The duties of customs now charged on tea shall continue to be levied and charged,—

On and after the first day of August one thousand eight hundred and sixty-nine until the first day of August one thousand eight hundred and seventy, on the importation thereof into Great Britain and Ireland, that is to say,

Tea - - - - - - the lb. 6*d.*

Alteration of duties on beer, &c.

In lieu of the duties of customs now chargeable on beer and ale as denominated in the tariff, on importation into Great Britain and Ireland, the following duties shall on and after the first day of June one thousand eight hundred and sixty-nine, be charged, that is to say:

	£	*s.*	*d.*
Beer and ale, namely,			
Mum, the barrel of thirty-six gallons - -	1	1	0
Spruce, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons - - - - -	1	1	0
Exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons - -	1	4	0
Of other sorts, viz.,			
Beer, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand and sixty-five degrees, the barrel of thirty-six gallons	0	8	0
Exceeding one thousand and sixty-five degrees, and not exceeding one thousand and ninety degrees, the barrel of thirty-six gallons - - -	0	11	0
Exceeding one thousand and ninety degrees, the barrel of thirty-six gallons - - -	0	16	0

And in charging the above rates of duty upon the importation of beer, the specific gravity of the worts from which the same was made shall be ascertained and determined in the manner prescribed by the sixteenth section of the Act of the nineteenth and twentieth Victoria, chapter thirty-four, for ascertaining and determining the rates of drawback on the exportation of beer.

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SCHEDULE (B.)

Containing the Duties of Income Tax granted by this Act.

For one year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule (B.) of the said Act) the duty of fivepence:

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof,

In England the duty of twopence halfpenny;

And in Scotland and Ireland respectively, the duty of one penny three farthings:

Subject to the provisions contained in section three of the Act twenty-sixth Victoria, chapter twenty-two, for the exemption of persons whose whole income from every source is under one hundred pounds a year, and relief of those whose income is under two hundred pounds a year.

SCHEDULE (C.)

Containing the Enactments in relation to Fire Insurance repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
22 Geo. 3. c. 48. -	An Act for charging a duty on persons whose property shall be insured against loss by fire.	The whole Act.
26 Geo. 3. c. 82. -	An Act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, &c.	Section 9.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 35. -	An Act for altering the mode of collecting the duty on insurances against loss by fire upon property in His Majesty's islands and possessions in the West Indies, &c.	Sections from 1 to 10, both inclusive.
55 Geo. 3. c. 101. -	An Act to regulate the collection of stamp duties on matters in respect of which licences may be granted by the commissioners of stamps in Ireland.	Sections from 14 to 27, both inclusive.
55 Geo. 3. c. 184. -	An Act for repealing the stamp duties on deeds, &c.	Sections from 32 to 36, both inclusive.
9 Geo. 4. c. 13. -	An Act for further regulating the payment of the duties under the management of the commissioners of stamps on insurances from loss or damage by fire.	The whole Act.
3 & 4 Will. 4. c. 23. -	An Act to reduce the stamp duties on advertisements, &c.	Section 6.
5 & 6 Vict. c. 79. -	An Act to repeal the duties payable on stage carriages, &c.	Section 20.
13 & 14 Vict. c. 97. -	An Act to repeal certain stamp duties, &c. -	Section 19.
19 Vict. c. 22. -	An Act to amend the laws relating to the duties on fire insurances.	So far as it relates to the duty on fire insurances repealed by this Act.
27 Vict. c. 18.	An Act to grant certain duties of customs and inland revenue.	Sections 9 and 10.

SCHEDULE (D.)

CONTAINING the ENACTMENTS in relation to LICENCES to sell Coffee, Tea, Cocoa Nuts, Chocolate, and Pepper, repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
10 Geo. 1. c. 10. -	An Act for repealing certain duties therein mentioned payable upon coffee, tea, &c.	Sections 9, 10, 14, and 41.
59 Geo. 3. c. 53. -	An Act for granting to His Majesty certain additional duties of excise on tea, coffee, &c.	The whole Act.
24 & 25 Vict. c. 21. -	An Act for granting to Her Majesty certain duties of excise and stamps.	Section 8.
27 Vict. c. 18. - -	An Act to grant certain duties of customs and inland revenue.	Sections 6 and 7, and so much of schedule B. as relates to licences to sell tea.

SCHEDULE (E.)

Containing the Enactments in relation to Assessed Taxes and Excise Duties repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 104. -	An Act for altering the amount of certain duties of assessed taxes, &c. &c.	The whole Act.
51 Geo. 3. c. 72. -	An Act for granting exemptions in certain cases from the payment of the duties charged in respect of servants, &c. &c.	The whole Act.
52 Geo. 3. c. 93. -	An Act for granting to His Majesty certain new and additional duties of assessed taxes, &c.	The whole Act.
54 Geo. 3. c. 141. -	An Act to alter so much of an Act made in the fifty-second year of His present Majesty as relates to the duties payable in respect of killing game.	The whole Act.
55 Geo. 3. c. 19. -	An Act to grant certain duties of excise, &c. &c.	So much of the schedule (A.) as relates to a duty on "any licence " to any person to let " to hire any horse for " the purpose of tra- " velling post by the " mile or from stage " to stage."
56 Geo. 3. c. 66. -	An Act for reducing the duties payable on horses used for the purposes therein mentioned for two years, &c.	The whole Act.
58 Geo. 3. c. 16. -	An Act to continue until the fifth day of April one thousand eight hundred and nineteen and amend an Act of the fifty-sixth year of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
58 Geo. 3. c. 17. -	An Act for charging certain duties on four-wheeled carriages constructed and drawn in the manner therein described.	The whole Act.
59 Geo. 3. c. 13. -	An Act to continue two Acts of the fifty-sixth and fifty-eighth years of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned, &c. &c.	The whole Act.
59 Geo. 3. c. 51. -	An Act to relieve persons compounding for their assessed taxes from an annual assessment for the term of three years.	The whole Act.
59 Geo. 3. c. 118. -	An Act to give relief in certain cases of assessments of taxes in Great Britain, &c. &c.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
1 Geo. 4. c. 73. -	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
1 & 2 Geo. 4. c. 20. -	An Act to continue until the fifth day of April one thousand eight hundred and twenty-three several Acts of His late Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
1 & 2 Geo. 4. c. 110. -	An Act for repealing the duties imposed on husbandry horses, &c. &c.	The whole Act.
1 & 2 Geo. 4. c. 113. -	An Act to continue several Acts for the relief of persons compounding for assessed taxes, &c. &c.	The whole Act, except sections 34 and 35.
3 Geo. 4. c. 50. - -	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
4 Geo. 4. c. 45. -	An Act for allowing persons to compound for their assessed taxes, &c. &c.	The whole Act.
5 Geo. 4. c. 44. -	An Act for allowing persons to compound for their assessed taxes, &c.	The whole Act, except section 4.
6 Geo. 4. c. 7. - -	An Act for the further repeal of certain duties of assessed taxes, &c.	The whole Act, except sections 2, 3, 6, 7, and 11.
7 Geo. 4. c. 22. -	An Act to enable persons to continue their compositions for assessed taxes, &c. &c.	The whole Act.
10 Geo. 4. c. 21. -	An Act to continue compositions for the assessed taxes for a further term of one year.	The whole Act.
1 Will. 4. c. 35. -	An Act to continue compositions for assessed taxes for a further term of one year, &c.	The whole Act.
1 & 2 Will. 4. c. 7. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and thirty-three, and to grant relief in certain cases.	The whole Act.
1 & 2 Will. 4. c. 22. -	An Act to amend the laws relating to hackney carriages, &c. &c.	Sections 2 and 3, 5 to 17 both inclusive, 19 to 25 both inclusive, 30 to 33 both inclusive, 49, 58, and 61. The whole of schedules (A.), (B.), (C.), and form No. 1. in schedule D.
2 & 3 Will. 4. c. 82. -	An Act to reduce the duties now payable in certain cases on carriages with less than four wheels.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
2 & 3 Will. 4. c. 113. -	An Act to continue until the fifth day of April one thousand eight hundred and thirty-four compositions for the assessed taxes, &c.	The whole Act, except section 3.
2 & 3 Will. 4. c. 120.	An Act to repeal the duties under the management of the Commissioners of stamps on stage carriages and on horses let for hire in Great Britain, and to grant other duties in lieu thereof, &c.	Sections 2 to 5 both inclusive, 8 to 34 both inclusive, 50 to 100 both inclusive, the whole of schedule (A.), and forms Nos. 1, 2, 3, 4, and 5 in schedule (B.)
3 & 4 Will. 4. c. 34. -	An Act to continue until the fifth day of April one thousand eight hundred and thirty-five compositions for the assessed taxes.	The whole Act.
3 & 4 Will. 4. c. 39. -	An Act to reduce certain of the duties on dwelling houses, and to repeal other duties of assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 54. -	An Act to continue for five years from the fifth day of April one thousand eight hundred and thirty-five and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 73. -	An Act to grant relief from the duties of assessed taxes in certain cases.	The whole Act, except section 2.
5 & 6 Will. 4. c. 64. -	An Act to alter certain duties of stamps and assessed taxes, &c.	The whole Act, except sections 1 to 7 both inclusive, and sections 10 to 13 both inclusive.
6 & 7 Will. 4. c. 45. -	An Act to transfer the collection and management of the duties in Great Britain on horses let for hire, &c. from the Commissioners of Stamps and Taxes to the Commissioners of Excise.	The whole Act.
6 & 7 Will. 4. c. 65. -	An Act for granting relief from the duties of assessed taxes, &c. &c.	The whole Act, except sections 9 to 12 both inclusive.
2 & 3 Vict. c. 35. -	An Act to contiuue for one year compositions for assessed taxes, &c. &c.	The whole Act.
2 & 3 Vict. c. 66. -	An Act to reduce certain of the duties now payable on stage carriages.	The whole Act.
3 & 4 Vict. c. 38. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-two.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
4 & 5 Vict. c. 26. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-three.	The whole Act.
5 & 6 Vict. c. 79. -	An Act to repeal the duties payable on stage carriages, and on passengers conveyed upon railways, &c. &c.	Sections 8 to 12, both inclusive, and so much of the schedule as relates to the duties on stage carriages and passengers conveyed upon railways.
6 & 7 Vict. c. 86. -	An Act for regulating hackney and stage carriages in and near London.	Section 26.
8 & 9 Vict. c. 36. -	An Act to continue for five years and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
13 & 14 Vict. c. 96. -	An Act to continue and amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
14 & 15 Vict. c. 33. -	An Act to enlarge the period allowed for compounding for assessed taxes.	The whole Act.
16 & 17 Vict. c. 88. -	An Act to repeal the duties payable in respect of horses let for hire, and to grant new duties on licences to let horses for hire.	The whole Act.
16 & 17 Vict. c. 90. -	An Act to repeal certain duties of assessed taxes, and to grant other duties of the same description, &c.	The whole Act, except section 8.
16 & 17 Vict. c. 127. -	An Act to reduce the duties payable in respect of hackney carriages used in the metropolis, &c. &c.	The whole Act, except sections 13 to 17, both inclusive.
17 Vict. c. 1. - -	An Act to explain and amend an Act of the last session relating to the duties of assessed taxes, &c.	The whole Act, except section 5.
18 & 19 Vict. c. 78. -	An Act to reduce certain duties payable on stage carriages, &c.	Sections 1, 2, and 3.
23 & 24 Vict. c. 113. -	An Act to grant duties of excise on chicory, &c. &c.	Section 38.
26 & 27 Vict. c. 33. -	An Act for granting to Her Majesty certain duties of inland revenue, and to amend the laws relating to the inland revenue.	Sections 6 to 12, both inclusive.
29 Vict. c. 36. - -	An Act to grant, alter, and repeal certain duties of customs and inland revenue, &c.	The whole of schedule (B.)
29 & 30 Vict. c. 64. -	An Act to amend the laws relating to the inland revenue.	Section 10.

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SCHEDULE (F.)

A Schedule of Forms.

Form of Levy Warrant for Recovery of Duties.

Collection of inland revenue. } To and officers of inland revenue, or either of them.

Whereas it has been certified to me that *A.B.* of has made default in payment of the sum of pounds shillings and pence, being the amount due and owing from the said *A.B.* in respect of certain duties of excise imposed by the Act [*insert number of this Act*]. Now I, the undersigned, being the collector of inland revenue for the collection mentioned in the margin (within which collection the said *A.B.* resides or carries on business), do, by this warrant under my hand, in Her Majesty's name, authorize and empower you, the above-named officers, or either of you, to distrain the said *A.B.* by his goods and chattels, wherever the same may be found in the United Kingdom, and to levy thereon the said sum so due and owing, together with all reasonable charges and expenses attending such levy; and if the said sum, with the charges and expenses, shall not be paid within the space of four days next after the day of making such levy, then to sell and dispose of so much thereof as shall be sufficient to levy the said sum, together with the reasonable charges and expenses attending the taking, keeping, and selling of such goods and chattels; and if, after deducting the said sum, charges, and expenses, any surplus shall remain, then to return the same to the person distrained.

Given under my hand at in the county of this day of in the year of our Lord one thousand eight hundred and .

Collector of inland revenue.

To be indorsed upon back of Levy Warrant.

The return of , being one of the officers of inland revenue to whom the within warrant is directed.

I hereby certify to the Commissioners of Inland Revenue that I cannot find any goods or chattels of the within-named *A.B.*

whereon the within-mentioned duties can be levied [*or* that I have seized and sold divers goods and chattels, and have levied the sum of pounds shillings and pence, and that the charges and expenses attending the taking, keeping, and selling such goods and chattels amounted to pounds shillings and pence, leaving the sum of pounds shillings and pence due and owing to Her Majesty]. A.D. 1869.

Dated the day of one thousand eight hundred and .

Officer of inland revenue.

Form of a Warrant of Commitment for Want of a sufficient Distress.

To *C.D.* and *E.F.*, officers of inland revenue or to either of them, and to the keeper of the common gaol or house of correction for the place where the person herein-after directed to be apprehended shall be found.

Whereas a certain levy warrant was, on the day of 18 , issued by the collector of inland revenue for the collection to certain officers of inland revenue for the recovery of the sum of pounds shillings and pence, being the amount of certain duties of excise imposed by the Act [*insert number of this Act*], and due and owing from one *A.B.*: And whereas it appears by a return made by one of the said officers upon the back of the said levy warrant that no sufficient distress of the goods and chattels of the said *A.B.* can be found whereon to levy the said sum, with the costs and charges referred to in the said warrant: And whereas it appears that the said sum, costs, and charges amount together to pounds shillings and pence, whereof has been recovered.

Now we, the undersigned, being two of the Commissioners of Inland Revenue, do, by virtue of the power given to us by the said Act, authorize and empower you the said *C.D.* and *E.F.*, or either of you, to apprehend the said *A.B.* wherever he shall be in the United Kingdom, and him safely to convey to the common gaol or house of correction for the place where the said *A.B.* shall be apprehended, and there to deliver him to the keeper of such gaol or house of correction together with this warrant; and we

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do hereby command you the said keeper to receive the said *A.B.* into your custody in the said gaol or house of correction, and him therein safely to keep until he shall pay the said sum of pounds shillings and pence, or until he shall be ordered by the Commissioners of Inland Revenue to be discharged.

Given under our hands at the Inland Revenue Office at Somerset House, in the city of Westminster, this day of one thousand eight hundred and

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 15.

An Act to remove doubts as to the qualification of persons holding Civil Service Pensions, or receiving Superannuation Allowances, to sit in Parliament. [24th June 1869.]

A.D. 1869.

WHEREAS the Acts of the fourth and fifth years of King William the Fourth, chapter twenty-four, and of the twenty-second year of Her Majesty, chapter twenty-six, regulate the conditions on which pensions, compensations, and allowances shall be made to persons in respect of their having held civil offices in Her Majesty's service: 4 & 5 W. 4. c. 24. 22 Vict. c. 26.

And whereas doubts have arisen as to whether such pensions, compensations, or allowances, being those of reward and recompence for civil services authorized by Parliament, come within the provisions of the Act of the sixth year of Queen Anne, chapter seven, which renders any person holding a pension from the Crown during pleasure incapable of being elected or of sitting and voting as a member of the House of Commons: 6 Anne, c. 7.

Be it therefore enacted; and it is hereby enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Pensions granted under recited Acts not to disqualify holders from sitting in Parliament.

1. That pensions, compensations, or allowances granted for civil services according to the provisions of the aforesaid Acts of the fourth and fifth years of King William the Fourth and the twenty-second year of Her Majesty, or any other Act or Acts whatever, shall not disqualify the holder from being elected or sitting or voting as a member of the House of Commons.

Nothing herein contained to

2. Nothing contained in this Act shall affect any of the provisions of the aforesaid Acts of the fourth and fifth years of King

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affect provisions of herein-named Acts.

William the Fourth, and twenty-second Victoria, chapter twenty-six, or of the Act of the twentieth and twenty-first years of Her Majesty, chapter thirty-seven.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 16.

An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania. [24th June 1869.] A.D. 1869.

WHEREAS by the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and letters patent made in pursuance of the said Act, Norfolk Island is annexed to and is taken to be part of the diocese of Tasmania:

And whereas it is expedient to facilitate any arrangement that may be entered into with respect to the diocese to which Norfolk Island is hereafter to belong:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Norfolk Island Bishopric Act, 1869."

Act providing that Norfolk Island is to be part of the diocese of Tasmania repealed.

2. There shall be repealed so much of the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and of the letters patent made in pursuance of the said Act, as provides that Norfolk Island is to be annexed to and to be taken to be part of the diocese of Tasmania.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 16.

An Act to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the diocese of Tasmania. [24th June 1869.] A.D. 1869.

WHEREAS by the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and letters patent made in pursuance of the said Act, Norfolk Island is annexed to and is taken to be part of the diocese of Tasmania:

And whereas it is expedient to facilitate any arrangement that may be entered into with respect to the diocese to which Norfolk Island is hereafter to belong:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Norfolk Island Bishopric Act, 1869." Short title.

2. There shall be repealed so much of the said Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, and of the letters patent made in pursuance of the said Act, as provides that Norfolk Island is to be annexed to and to be taken to be part of the diocese of Tasmania. Act providing that Norfolk Island is to be part of the diocese of Tasmania repealed.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 17.

An Act for the Preservation of Sea Birds. [24th June 1869.] A.D. 1869.

WHEREAS the sea birds of the United Kingdom have of late years greatly decreased in number; it is expedient therefore to provide for their protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Definition of terms.

1. That the words "sea birds" shall for all the purposes of this Act be deemed to include the different species of auk, bonxie, Cornish chough, coulterneb, diver, eider duck, fulmar, gannet, grebe, guillemot, gull, kittiwake, loon, marrot, merganser, murre, oyster catcher, petrel, puffin, razor bill, scout, seamew, sea parrot, sea swallow, shearwater, shelldrake, skua, smew, solan goose, tarrock, tern, tystey, and willock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which sea birds shall not be killed.

Penalty.

2. Any person who shall kill, wound, or attempt to kill or wound, or take any sea bird, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any sea bird, or shall have in his control or possession any sea bird recently killed, wounded, or taken, between the first day of April and the first day of August in any year, shall, on conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such sea bird so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction; provided always, that this section shall not apply where the said sea bird is a young bird unable to fly.

Home Office, &c. on application of

3. The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter

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justices, may vary such period.

sessions assembled of any county on the sea coast, extend or vary the time during which the killing, wounding, and taking of sea birds is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State; after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

Persons offending against this Act may be required to tell their names and abodes.

Penalty for refusing.

4. Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his Christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Application of penalty.

5. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer, (as the convicting justice or justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and, in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by such inspector paid over to the use of the funds for the relief of the poor in such parish; and, if recovered in Ireland, such penalty shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

As to trial of offences committed within the Admiralty jurisdiction.

6. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom,

and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas"; and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

Where offences committed on boundary waters, prosecutions may be in either county.

7. Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

Extent of Act.

8. The operation of this Act shall not extend to the island of Saint Kilda.

Power to Her Majesty, by Order in Council, to exempt parts from operation of Act.

9. It shall be lawful for Her Majesty, by an Order of Council, where, on account of the necessities of the inhabitants of the more remote parts of the sea coasts of the United Kingdom, it shall appear desirable, from time to time to exempt any part or parts thereof from the operation of this Act; and every such Order shall assign the limits of such part or parts aforesaid within which such exemption shall have effect.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 18.

An Act to amend the Lands Clauses Consolidation Act. A.D. 1869.

[24th June 1869.]

WHEREAS it is expedient that the provisions contained in "The Lands Clauses Consolidation Act, 1845," should be amended:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Costs of arbitrations, where either party so requires, to be settled by a master of Superior Courts.

1. Where in England, under "The Lands Clauses Consolidation Act, 1845," or any Act incorporating the same, any question of disputed compensation is determined by arbitration, the costs of and incidental to the arbitration and award shall, if either party so requires, be taxed and settled as between the parties by any one of the taxing masters of the Superior Courts of Law; and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters, and all those enactments, including the enactments relating to the taking of fees by means of stamps, shall extend to the fees in respect of the said taxation.

Repeal of 31 & 32 Vict. c. 119. s. 33.

2. Section thirty-three of the Regulation of Railways Act, 1868, is hereby repealed, and any proceedings commenced in pursuance of that section may be continued under this Act as if they had been commenced under it.

Provision respecting lands in Westminster.

3. Where any lands by the special Act authorized to be taken are situate within the city and liberty of Westminster, then, with respect to those lands, in every case in which any question of disputed compensation is required by the Lands Clauses Consolidation Act, 1845, or any Act amending the same, to be determined by the verdict of a jury, the high bailiff of the city and liberty of Westminster, or his deputy, shall be deemed to be

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substituted for the sheriff throughout such of the enactments of the Lands Clauses Consolidation Act, 1845, and any Act amending the same as relate to the reference to a jury.

Short title. Construction of Acts.

4. This Act may be cited as "The Lands Clauses Consolidation Act, 1869," and shall be construed as one with the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and these Acts and this Act may be cited together as the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 19.

An Act for amending the law relating to Mining Partnerships within the Stannaries of Devon and Cornwall, and to the Court of the Vice-Warden of the Stannaries.

[24th June 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: A.D. 1869.

Preliminary.

1. This Act may be cited as The Stannaries Act, 1869. Short title.

2. In this Act— Interpretation of terms.

The term "the stannaries" means the stannaries of Devon and Cornwall:

The term "the vice-warden" means the vice-warden of the stannaries:

The term "the court" means the court of the vice-warden:

The term "the registrar" means the registrar of the court:

The term "company" includes any persons or partnership body working a mine in the stannaries:

The term "purser" means the purser for the time being of a company, and if there is no purser, then the secretary for the time being, or if there is no secretary, then the principal agent for the time being of a company:

The term "cost book" includes all books and papers relating to the business of a mine, which are for the time being kept by a purser, or which, according to the custom of the stannaries, or the directions of the company, ought to be kept by him.

3. This Act extends only to mines within the stannaries, and subject to the jurisdiction of the court, or within the cognizance of the vice-warden; and nothing in this Act shall extend to Extent and application of Act.

A.D. 1869. companies registered under any of the Joint Stock Companies Acts, except where such companies are expressly mentioned or necessarily implied.

Meetings and proceedings generally.

Majority in value at meeting to bind.

4. Except as otherwise provided by this Act, or by the rules or regulations of any company, a resolution passed at a meeting of the company, by the votes of a majority in value of such of the shareholders as are present in person or represented by proxy at the meeting, shall be deemed the resolution of the meeting, and shall be binding on all the shareholders in the company, whether present or absent, but nothing in this clause shall authorize any ordinary meeting to transact any business which an ordinary meeting could not transact at the time of the passing of this Act, except as is herein-after provided.

Proceedings with special notice.

5. Where anything to be done by a company is by this Act required to be done at a meeting with special notice, it shall not be valid if done otherwise than at a meeting notice whereof is served on the several shareholders not less than seven clear days before the day of the meeting, specifying the place, day, and hour of meeting, and the business to be transacted thereat, or so much thereof as is required to be done with special notice.

Definition of special resolution.

6. A resolution passed by a company shall be deemed a special resolution within this Act when it has been passed at a meeting with special notice, and has been confirmed at a subsequent meeting with special notice; the last-mentioned meeting being held not less than fourteen days and not more than one month after the meeting at which the resolution was first passed.

Regulations by special resolution.

7. A company may, by special resolution passed by not less than three fourths in value of the shareholders present in person or represented by proxy at the meeting held for the purpose of confirming the resolution to be made special, from time to time alter the rules and regulations for the time being by custom or otherwise governing the company, and make new or additional rules or regulations in that behalf; and any rules or regulations so made by special resolution shall be of the like validity and effect as if they had been made at the original formation of the company; but nothing in this Act shall authorize a company to make rules or regulations inconsistent with the provisions of this Act, or shall abrogate any special rules or regulations existing at the passing of this Act for the management of any company, or shall authorize the making of any special rule or regulation to enable a company existing at the passing of this Act to borrow money.

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Service of notices.

8. A notice to be served by a company for any purpose of this Act on a shareholder shall be served personally, or shall be served by prepaid letter sent by post addressed to him at his address as entered in the cost book, in which case the notice shall be taken as served at the time when the letter containing it was put into the post office; and in proving such service it shall be sufficient to prove that the letter was properly addressed and prepaid, and was put into the post office, and the time when it was put in.

As regards a company existing at the passing of this Act, the address of a shareholder as known to the purser at the passing of this Act shall be and remain entered in the cost book as his address, unless and until he gives notice in writing to the contrary.

Accounts.

Entry of accounts.

9. The purser of every company shall, once at least in every four months, truly enter in the cost book of the company accounts showing the actual financial position of the company at the end of the financial month of the company last preceding the time of entry, including a statement of all credits, debts, and liabilities, and distinguishing in such accounts the amount of calls paid and calls not paid, with accurate lists of all the shareholders for the time being in the company, with their respective addresses, corrected from time to time as occasion requires, and all other accounts, documents, and things which the purser is for the time being required to enter therein by the custom of the stannaries, or by the directions of the company; and after the passing of this Act all existing or future companies having any rules or regulations touching the management of the company or conduct of the business of any mine, shall file a true copy of them at the office of the registrar without payment of any fee; and such rules or regulations shall be subject to the inspection of all applicants at reasonable times; and if any company shall neglect to file such rules or regulations as above required, then any shareholder in or creditor of any such company may apply for an order of the court to file such rules or regulations forthwith, which order shall be enforced by the process of the court.

Calls.

Audit and call.

10. At any meeting of a company with special notice the accounts of the company may be audited, and a call may be made.

Call for prospective expenses.

11. A call may be made by a company for the purpose of defraying the whole or any portion of the estimated expenses to be incurred at any time within three months after the date of the meeting at which the call is made.

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Discount or interest on calls.

12. At the time of making a call, a company may direct that discount not exceeding five per cent. shall be allowed to every shareholder on payment of the call, at or within the time appointed for payment thereof, and may direct that interest at the rate of five pounds per centum per annum shall be charged on all amounts due on account of a call, and remaining unpaid after one month from the time appointed for the payment thereof.

Recovery of calls, &c.

13. The amount for the time being unpaid of any call made after the passing of this Act on any share in a company shall be deemed to be a debt due from the holder of such share to the company, and if at the time appointed by the company for the payment of any such call any shareholder shall fail to pay the amount thereof, it shall be lawful for the company to sue such shareholder for the amount of such call, in any court of law having competent jurisdiction, in the name of the purser for the time being of the company, whether such purser is a shareholder in the company or not, as the nominal plaintiff for the company, and to recover the amount of such call, together with interest for the same and costs of suit; and in any action to be brought by the company to recover the amount of such call it shall be sufficient in the declaration or other proceeding in the said action to state that the defendant or (in case of such action being brought against the legal personal representative of a deceased shareholder) that the deceased shareholder was at the time of such call being made the holder of one share or more in the company (stating the number of shares), and that the defendant, or (in case of the death of a shareholder as aforesaid) that the defendant or defendants, as executor or administrator or executors or administrators of such deceased shareholder, is or are indebted to the company in the sum of money to which the calls in arrear and interest shall amount, in respect of one call or more upon one share or more (stating the number and amount of each of such calls), and that the plaintiff is the purser of the company and sues in the action as nominal plaintiff for the company, and on the trial or hearing of such action it shall be sufficient to prove, as a primâ facie case on the part of the plaintiff, that the defendant or such deceased shareholder, at the time of making such call, was a holder of such one share or more as may be in the company, and that such call was duly made, and that the plaintiff at the commencement of the action was acting as the purser of the company; and it shall not be necessary to prove the appointment or authority of the persons who made such call, or the appointment of such purser; provided, that in case of a change of purser pending the proceedings, the name of the purser for the

time being may, by leave of the court in which the proceedings are pending, or of a judge or proper officer thereof, be substituted for that of a person ceasing to be purser by death, resignation, or otherwise; but no county court in the stannaries shall have any jurisdiction under this present clause in any case in which the sum sought to be recovered shall exceed fifty pounds, unless it shall be by law otherwise expressly provided. A.D. 1869.

Transfer of shares.

14. A company shall not be bound to recognize a transfer of a share until all calls made in respect of such share, with interest and expenses, have been paid. Calls due at transfer.

15. A company shall not be bound to recognize the transfer of a fractional part of a share. Transfer of fractional parts of shares.

Forfeiture of shares.

16. If a shareholder fails to pay a call on the day appointed for payment thereof, the company may at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, with or without interest and any expenses that may have accrued by reason of such nonpayment, and stating to the effect that in the event of nonpayment in accordance with the notice the share in respect of which such call was made will be liable to be forfeited. Notice on failure to pay call.

17. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the company to that effect passed at a meeting with special notice. Forfeiture on failure to pay.

18. Any share so forfeited shall be carried to an account to be called "The Account of Forfeited Shares," and shall be deemed to be the property of the company, and may be disposed of in such manner as the company thinks fit; and any shareholder may purchase any such share if sold. Sale of forfeited shares.

19. A statutory declaration in writing by the purser of a company that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by resolution of the company to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share, and such Evidence of forfeiture, &c.

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declaration, and the receipt of the purser for the price of such share if sold, shall constitute a good title to such share, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder of such share, discharged as against the company from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Payment notwithstanding forfeiture.

20. Any shareholder whose share has been forfeited shall nevertheless be liable to pay all calls, interest, and expenses payable on or in respect of the same at the time of forfeiture.

Relinquishment of shares.

Disposal of relinquished shares.

21. Where a share in a company is relinquished, it shall be carried to an account to be called "The Account of Relinquished Shares," and shall be deemed to be the property of the company, and may be disposed of as the company thinks fit, and any shareholder may purchase any such share if sold.

Relinquishment to be in writing.

22. Every relinquishment of a share shall be by notice in writing delivered to the purser, but a company shall not be bound to recognize the relinquishment of a fractional part of a share.

Evidence of relinquishment, &c.

23. A statutory declaration in writing by the purser of a company that a share has been relinquished shall be sufficient evidence of the facts therein stated as against all persons interested in the share, and that declaration, and the receipt of the purser to a purchaser of the share for the price thereof if sold, shall constitute a good title thereto, and the purchaser shall be entered in the cost book as a shareholder in respect of the share, and thereupon he shall be deemed the holder thereof, discharged as against the company from all unpaid calls, interest, and expenses due to the company in respect thereof accrued before his purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to the share be affected by any irregularity in the proceedings in reference to such sale.

Sale of mine.

Power of sale of mine &c., as going concern.

24. Without prejudice to the landlords, lessors, or others having any estate, charge on, or interest in the land in which the mine is situate, or to the creditors, and their customary lien on the saleable machinery and materials belonging to the company, a company shall have power, by a special resolution to which three fourths in value of the shareholders shall consent, either in writing or at a meeting, to sell and dispose of the machinery and materials

belonging to the company with or without the legal or equitable interest of the company in the leases or sett on which any mine belonging to the company is worked, as a going concern, provided that every such sale shall be by public auction, and that due notice of the intended sale be given by public advertisement in some local newspaper, and in some public journal or newspaper specially relating to mining companies, for two successive weeks before the sale. A.D. 1869.

Winding up.

25. On a company being wound up in the court of the vice-warden or any other court, a former shareholder, notwithstanding the provisions contained in the Companies Act, 1862, Part 8, section 200, shall not be liable to contribute to the assets of the company if he has ceased to be a shareholder for a period of two years or upwards before the mine has ceased to be worked or before the date of the winding-up order. Limitation of liability of past shareholders.

Wages of Miners.

26. On a company formed for or engaged in working a mine (including a company registered under any of the Joint Stock Companies Acts) being wound up in the court of the vice-warden or any other court or otherwise, the date of the winding-up order having been not earlier than two months after the passing of this Act, then and in every such case the amount (if any) due at the date of the winding-up order to miners, artizans, and labourers employed, wholly or in part, in or about the mine, in respect of their wages or other earnings in relation to the mine, not exceeding three months wages or earnings to each such person, shall be paid in priority to all other debts of the company. Wages of miners, &c.

Procedure of the Court.

27. Whereas since the passing of the Act eighteen Victoria, chapter thirty-two, for amending and extending the jurisdiction of the court of the vice-warden, and of the Companies' Act, 1862, the experience of the court has suggested the expediency of some amendment of the provisions of those Acts, so far as they relate to the stannaries and the jurisdiction of the court: Be it enacted, that all affidavits, affirmations, and declarations shall be available in suits, causes, and matters in the court, although not sworn, made, and taken by or before a commissioner of the court; provided the same shall have been sworn, made, or taken by or before any commissioner authorized to administer oaths in the superior courts of equity or of common law in England or Ireland, or in the Isle Affidavits used in the court.

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of Man or the Channel Islands, or by the officers exercising like powers to administer oaths in Scotland, or by any of the courts, judges, or other persons having like authority in the dominions of the crown beyond seas, or in foreign parts, specified or described in the Act fifteen and sixteen Victoria, chapter eighty-six, section twenty-two, and the Act sixteen and seventeen Victoria, chapter seventy-eight; and the vice-warden or registrar shall, on the production before him of such affidavits, affirmations, or declarations, purporting to be duly and regularly sworn, made, or taken by any of the courts or persons herein-before referred to, presume the same to have been so sworn, made, or taken, unless the contrary be proved to his satisfaction; and in case of wilful and corrupt false swearing, affirming, or declaring in such document so produced, or of the production or use by any party of such document, knowing the same to be a forged or spurious one, the offender shall be liable to all the penalties, punishments, and consequences specified in sections twenty-three and twenty-four of the Act fifteen and sixteen Victoria, chapter eighty-six: Provided also, that all lawful fees due and demandable upon swearing, making, or taking such affidavits, affirmations, or declarations, by or before any of the courts or persons above referred to, shall be paid or tendered to such court or person by the party applying for such document.

No demand necessary before enforcing order to pay, produce, or deliver.

28. Whenever a decree or order of the court for payment of money, or production or filing or delivery up of any books, papers, deeds, or accounts, or the delivery up of property, real or personal, shall have been made in a suit or matter whereof the said court has cognizance, no formal demand shall be necessary, but the person or party who shall have been so decreed or ordered to pay such money, or produce or file or deliver up such documents or property, on being duly served with such decree or order, shall be bound to obey the same, and process shall thereupon issue to enforce performance, without further special application to the court.

Enforcing process through the registrar of a county court.

29. In enforcing execution of any judgment, decree, or order of the court by writ sent to the registrar of any county court under sections nine and ten of the Act eighteen Victoria, chapter thirty-two, the person or party entitled to recover any monies awarded to him by such judgment, decree, or order may issue such process to the county court, although the sum sought to be recovered may exceed the sum of fifty pounds, provided the sum do not exceed two hundred and fifty pounds, including the costs of applying to the court for leave to issue such execution, where such

leave shall be necessary by the rules of the court; and such process shall hereafter be available to any party entitled to levy such money, not exceeding the said sum of two hundred and fifty pounds, by a like writ of execution sent to the registrar of any county court within the stannaries, as well as beyond the stannaries, subject to the payment of all lawful fees for execution in such county court, and subject in other respects to the provisions of sections nine and ten of the Act last above mentioned, except that the judge of a county court within the stannaries may, if he thinks fit, remit any claim of interpleader arising on the execution of such writ for determination by the court.

Execution of process of attachment within the stannaries.

30. If any person residing or being within the stannaries shall be in contempt for disobedience of any order of the court other than for the payment of money leviable by the ordinary civil process of the court, and be thereupon attached by the bailiffs of the court, or by a messenger or messengers of the court specially named or appointed by the court for execution of the writ of attachment issued by the court, such bailiffs or messengers shall forthwith take into their custody the person so attached, and bring him with all convenient speed to Truro, there to be examined by or before the vice-warden, if he shall then be sitting at Truro, or before the registrar there, touching the matter of his alleged contempt; and upon such examination the vice-warden or registrar shall, if the offender shall have sufficiently cleared himself of the contempt, discharge him out of custody, or if he shall not have so cleared himself, shall commit him to the common gaol at Bodmin, or, in case of contempt within the stannaries of Devon, to the borough gaol at Plymouth, there to remain until he shall have submitted to the order of the court, or shall be otherwise discharged in due course of law; and such writ of attachment, and any commitment thereon, shall issue in the name of the lord warden of the stannaries, with the seal of the court attached.

Service of process, &c. beyond the stannaries.

31. Whereas the service of process on the common law side of the court in any part of England, without the special order of the vice-warden, has been found inconvenient, and in some cases liable to abuse: Be it enacted, that no such service of process out of the limits of the stannaries, in suits or plaints on the common law side of the court, shall hereafter be effected without the special order of the vice-warden, made on a statement of the nature and object of such suit or plaint; except in the case of actions of ejectment brought under the authority of section fifteen of the Act eighteen Victoria, chapter thirty-two.

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On appeals to the lord warden, a deposit to be made.

32. In all cases of appeals against any judgment, decree, or order of the court, besides the bond to the registrar required by the Act eighteen Victoria, chapter thirty-two, section twenty-six, a deposit of twenty pounds shall be made in the hands of the registrar, to be paid to the opposite party when the judgment, decree, or order is not reversed, unless the court shall otherwise direct; and if the appeal against any decree or order be prosecuted in the name or on the behalf of any registered company with limited liability, or in the name or on behalf of any person who has recently become bankrupt, or has executed any unsatisfied deed of arrangement, composition, or inspectorship under any Bankruptcy Act, the registrar of the court may require that a sufficient surety be joined as co-obligor in the bond which the appellant is bound to give in such case, who shall be personally liable to pay the taxed costs of the appeal to the extent of fifty pounds, if the judgment, decree, or order be not reversed; and the appellant shall also deposit in the hands of the registrar the sum of twenty pounds, payable as hereinabove directed in the case of ordinary appeals.

Duties of registrar in liquidation of a company.

33. Where an order is made for the winding up a company in the court, whether the same be a registered or an unregistered company, and no official liquidator is appointed, the registrar shall have authority, with the sanction of the vice-warden, to perform all the ordinary duties of an official liquidator, and to exercise all the powers assigned by the Companies Act, 1862, to such liquidator, so far as such duties or powers are not incompatible with his official duties as registrar.

Provided always, that the registrar shall not in such case be called upon to give any such security as may be required of an official liquidator under section ninety-two of the last-mentioned Act, unless the lord warden of the stannaries or the vice-warden by some general rule of the court shall otherwise order, nor shall he be entitled to any remuneration for the performance of the said duties, other than the salary now received by or that may hereafter be assigned to him in his official character of registrar; nor shall it be necessary for him to use the name or style of official liquidator, nor any other style than that of registrar, unless it shall become necessary for him to take out letters of administration to any deceased contributory; and in proving a debt due from any contributory who shall have become a bankrupt within the intent and meaning of section eighty-seven of the Companies Act, 1862, a certificate of the debt signed by the registrar, with the seal of the court attached, shall be accepted in the Court of Bankruptcy

as sufficient proof of such debt as against the estate of the bankrupt, without requiring the oath or affidavit of the registrar.

Provided also, that the registrar in the performance of such duties and exercise of such powers shall not be liable to any penalty prescribed by the said Companies Act, 1862, and imposed on official liquidators as such, or become personally liable in respect of any act done or proceeding taken by him by the order or authority or with the sanction of the vice-warden acting in his judicial character.

Attachment of debt due to a contributory on winding up.

34. In cases where several companies are in course of liquidation by or under the superintendence of the court, if it shall appear to the vice-warden that a person who is a contributory of one of the said companies is also a creditor claiming a debt against one of the other companies, the vice-warden may, in his discretion, and after due inquiry into the facts, direct that the said debt, when allowed, shall be attached, and payment thereof to the creditor suspended for a time certain, as a security for payment of all or any calls that are or may in course of liquidation become due from him to the company of which he is a contributory; and the amount thereof shall be applicable and applied to such payment in due course; provided that no such order of attachment shall prejudice any claim which the company so indebted to him as creditor may have against him by way of set-off, counterclaim, or otherwise, or any lawful claim of lien or specific charge on the said debt in favour of any third person.

Fraudulent transfers of shares.

35. A transfer of shares made for the purpose of getting rid of the further liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to pay the reasonable expenses of working a mine, or to a person in the menial or domestic service of the transferror, shall be presumed to be a fraudulent transfer, and need not be recognised by the company, or by the court on the winding-up of the company, whether the company be a registered or unregistered company.

Jurisdiction to restrain sales of setts.

36. The jurisdiction of the court to grant injunctions restraining sales of machinery and other effects on mines is hereby extended so as to authorize the granting of injunctions restraining sales of setts where equity so requires, and the jurisdiction conferred by this section may be exercised in creditors' suits, or on the application of a shareholder in a company.

Issuing injunction orders by the registrar in certain cases.

37. It shall be competent for the registrar, on the application of either a creditor or a shareholder, to issue injunction orders in customary creditors' suits pending in the court, and to

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forbid the sale of setts, leases, machinery, or other effects on or belonging to the mine on the usual allegation of urgency, or to issue such orders in other cases of like urgency or imminent waste or damage to property; and in such cases the party or parties so enjoined may appear and show cause before the registrar, and apply to him to suspend or dissolve the order; but such application to the registrar shall not be exclusive of the existing power of the vice-warden to issue such orders, though he may not then be sitting within the stannaries, nor prevent him from reconsidering the order of the registrar, on the motion or complaint of any of the parties interested in it.

Hearing of petition for winding-up.

38. The provision of section eighty-three of the Companies Act, 1862, contained in second paragraph thereof, shall be amended and read as follows; namely, that the vice-warden may direct that petitions to wind up a company shall be heard by him at such time or place as he may think fit within the stannaries, or within or near to the place where the registered or other chief office of the company is situate, or if such office be distant one hundred and fifty miles or more from Truro (measured by the public railways), then in London or Westminster; or with the consent of the party or parties petitioning, and of the company represented by its secretary, purser, or other proper officer, the hearing may be in any part of England; and all orders made by the vice-warden on such hearing in any of the above cases shall be as valid and effectual as if they had been made at Truro.

Adjournment of sittings and appointment of deputy vice-warden.

39. Sections seven and eight of the Act two and three Victoria, chapter fifty-eight, and the section twenty-four of the Act eighteen and nineteen Victoria, chapter thirty-two, are hereby repealed; and in lieu thereof be it enacted, That if in consequence of illness, or accident, or other disability, the vice-warden shall not attend at Truro on the day and time appointed for his sittings there, the registrar shall have power to open the court, and adjourn the sittings to some other day, on which adjournment day all persons summoned or bound to attend the sittings shall be in attendance, as if the vice-warden himself had adjourned them; and if, by reason of such illness, accident, or other disability, or for any other cause deemed by the lord warden to be a reasonable cause, the vice-warden shall desire to appoint a deputy for a time certain, not exceeding six months, he may, with the approval of the lord warden, appoint such deputy, being a barrister of five years' standing and not less, with all the powers and judicial functions of the vice-warden himself; and if the vice-warden shall, by reason

of such illness, accident, or disability, be unable or shall neglect to make such appointment, it shall be competent for the lord warden of the stannaries to nominate such temporary deputy, with the qualification, powers, and functions aforesaid, with such directions touching the remuneration of such deputy as he may think fit.

Provision for a temporary registrar on a future vacancy.

40. Whereas inconvenience may hereafter be occasioned by the death of the registrar and the delay in appointing a successor, be it enacted, that the vice-warden for the time being shall in such case have power to employ the assistant registrar, if there be one, or any other competent person, being a clerk or officer of the court, to execute, under the direction of the vice-warden, all or any of the necessary duties of registrar, until such time as the successor of the deceased registrar shall have been duly appointed, and such temporary registrar may, if the lord warden shall think fit, be remunerated for such extra duty out of the salary accruing between the decease of the last registrar and the appointment of his successor, who shall be entitled to receive the balance (if any) of the salary so accruing during that interval.

Provision as to half-yearly remissions.

41. From and after the passing of this Act, the whole of the several provisoes contained in section thirty of the Act six and seven William the Fourth, chapter one hundred and six, and in section thirty-six of the Act eighteen and nineteen Victoria, chapter thirty-two, respectively, which in any way relate to, or empower, or require half-yearly remissions of the assessment, in such provisoes respectively mentioned or referred to, shall be and the same are hereby repealed, and thereupon the monies accruing by reason of such remission shall be applicable and be applied to such of the several purposes specified in the one hundred and seventy-second section of "The Companies Act, 1862," touching the application of the fees arising under proceedings taken for winding up mining companies, as the lord warden of the stannaries shall from time to time, on the application of the vice-warden or otherwise, think fit to direct, sanction, or assign, and meanwhile shall accumulate by investment, as to the whole or part of the accruing monies, in the manner directed in and by the provisions of that section.

Vacations in the court.

42. Whereas by the Act six and seven Victoria, chapter one hundred and six, section seventeen, the court is, for the purpose of the entry of pleadings, orders, proclamations, and other matters touching practice, process, or execution, to be at all times open,

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except on Sunday, Christmas day, Good Friday, and days of public fast or thanksgiving, and no other days or times are specified wherein the court or its offices may be lawfully closed, nor is any period of vacation for the court or its officers and clerks provided: Be it enacted, that the court and offices may hereafter be closed on Christmas day and the six following days, on Good Friday and the six following days, and that the space of six consecutive weeks, beginning on the first day of September in every year, shall be deemed to be the vacation of the said court, during which the attendance of the officers of the court will be dispensed with; so nevertheless that during the continuance of those days and times, and the above vacation, provision shall be made for the receipt and payment or payments of money by or to the proper officer of the court, whereof due notice shall be from time to time given; Provided also, that during such times and vacation applications may be made for injunction orders, either to the vice-warden or to the registrar, in any part of England, whether within or beyond the stannaries.

Power to make general rules and orders.

43. The powers contained in the Act eighteen Victoria, chapter thirty-two, sections twenty-three and twenty-six, for making general rules and orders of the court touching the procedure, practice, pleading, court fees, taxation of costs, and forms on the equity and common law side of the said court, and other business of the said court, and also touching the regulation of the practice, fees, and costs of appeals pending before the lord warden of the stannaries, whether heard by and before himself, or remitted by him for the determination of the Judicial Committee of the Privy Council, or to the Court of Appeal in Chancery, shall be deemed and taken to extend and apply to this Act, and to the several provisions contained herein. Rules and orders made in pursuance of the powers contained in the said Act or in this Act with respect to fees shall be made only with the sanction of the Commissioners of Her Majesty's Treasury.

Officer not entitled to compensation in case of alteration of duties or abolition of office.

44. A person shall not be entitled to any compensation in respect of any emoluments received by him for duties performed in pursuance of the provisions of this Act, or in respect of the emoluments of any office in or connected with the court, or with the lord warden of the stannaries or vice-warden, to which such person is appointed after the passing of this Act, in case any alteration is made in such duties or in the duties of such office, or in case such duties or such office are abolished.

Savings.

45. Nothing in this Act shall take away or abridge any right or remedy of any creditor of a company existing at the passing of this Act. Saving for existing creditors.

46. Nothing in this Act contained shall exclude the right of any shareholder of a company, miner, creditor, or other customary suitor of the court to resort to all or any of the remedies heretofore used and enjoyed, and still subsisting by custom or statute in the said court as now constituted by law unless such right is expressly abrogated by this Act. Saving for customs of stannaries, &c.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 20.

An Act to remove doubts as to the validity of certain Statutes made by the Convocation of the University of Oxford. A.D. 1869.

[24th June 1869.]

WHEREAS by an Act passed in the seventeenth and eighteenth years of the reign of Her Majesty Queen Victoria, chapter eighty-one, it was, amongst other things, enacted, that every Statute framed by the Hebdomadal Council of the said University should be promulgated in Congregation, and should also be proposed there for acceptance or rejection, and should, if accepted by Congregation, be afterwards submitted to Convocation for final adoption or rejection as a Statute of the University: 17 & 18 Vict. c. 81.

And whereas since the passing of the said Act a practice has prevailed in the said University of dividing Statutes about to be proposed or submitted into separate portions, in order that the separate portions might be put successively to the vote:

And whereas doubts have arisen whether the aforesaid practice was authorized by the provisions of the said Act, and whether Statutes which were so divided have been regularly made, and are now valid as Statutes of the University, and it is expedient that such doubts should be removed, which cannot be done without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. No Statute which heretofore and since the passing of the aforesaid Act has been submitted to and finally adopted by the Convocation of the University of Oxford shall be deemed to be or to have been invalid as a Statute of the University by reason only of any irregularity in the mode of proposing the same in Congregation, or otherwise in the making thereof; and every such Statute No Statute to be deemed to be invalid by reason only of any irregularity in the mode of proposing

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same in Congregation.

shall be deemed to be and to have been valid to the same extent (but not further or otherwise) as if it had been regularly made pursuant to the provisions of the same Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 21.

An Act to amend the law relating to the Payment of the Expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament. A.D. 1869.

[24th June 1869.]

WHEREAS by the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, entitled "An Act to provide for more effectual inquiry "into the existence of corrupt practices at the elections of members "to serve in Parliament," power is given to Her Majesty, in the events therein mentioned, by warrant under Royal Sign Manual, to appoint commissioners, in this Act called Commissioners of Inquiry, for the purpose of making inquiry into the existence of corrupt practices in any election or elections of a member or members to serve in Parliament: 15 & 16 Vict. c. 57.

And whereas by the said Act it is provided that the Commissioners of Her Majesty's Treasury are to make order for the payment of the necessary expenses of any inquiry under that Act:

And whereas by The Parliamentary Elections Act, 1868, it is provided that the expenses of such inquiry as aforesaid shall be defrayed as if they were expenses incurred in the registration of voters for the county or borough in respect of which commissioners of inquiry have been appointed:

And whereas it is expedient to make further provision with respect to the payment of the said expenses:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as The Corrupt Practices Commission Expenses Act, 1869. Short title.

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Power of Treasury to advance money for payment of expenses of commission.

2. When commissioners of inquiry have been appointed as aforesaid, in the case of any county, city, or borough, the Commissioners of Her Majesty's Treasury may from time to time advance out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing produce thereof, such moneys as may be required for payment of the expenses of the inquiry to be made by such commissioners, and may pay the same accordingly, and such advances shall be repaid in manner herein-after mentioned upon a requisition of the Commissioners of the Treasury stating the amount of such advances, and such requisition shall be conclusive evidence of the amount therein stated, and of the payment thereof by the Commissioners of the Treasury.

Payment of expenses in England.

Repayment of advances made by the Treasury.

3. The following enactments shall be made with respect to the repayment to the Commissioners of the Treasury, of any advance made by them for payment of the expenses of any inquiry made by commissioners of inquiry in England:

1. The Commissioners of the Treasury shall forward their requisition to the local officer of the county, city, or borough, in respect of which commissioners of inquiry have been appointed, and shall require such officer to repay to them within one year the sum mentioned in such requisition, and it shall be the duty of the local officer to comply with the requisition made by the Commissioners of the Treasury.
2. The local officer shall mean in the case of a city or borough the town clerk, and in the case of a county the treasurer of the county.
3. In the case of a county the treasurer shall pay the amount required to the Commissioners of the Treasury out of the public stock of the county in the same manner in all respects as if the requisition of the Commissioners of the Treasury were an order of the justices of the peace for the payment to the clerk of the peace of the county of expenses incurred by him under The Registration Act, 1843, and the justices for such county shall levy the same by an addition to the county rate, to be assessed on the several parishes and townships within the county or division of the county, as the case may be, in respect of which such Commissioners of Inquiry have been appointed.
4. In the case of a city or borough the requisition of the Commissioners of the Treasury shall be laid before the local authority of such city or borough, and the local authority shall make and give to the local officer a certificate of the

sum to be paid by, and as the contribution of each of the parishes or townships situate within the city or borough, towards defraying the amount required, and thereupon the overseers of every such parish or township shall, out of the first monies to be collected for the relief of the poor, pay to the local officer the sum directed by such certificate to be paid as the contribution of the said parish or township, and the said local officer shall by means of such contributions defray the amount required to be paid to the Commissioners of the Treasury.

"The local authority of a city or borough" shall mean the common council or town council of the said city or borough, or if there be no such council, then the justices of the peace at the quarter sessions to be holden in or for the county in which such city or borough is situate.

5. If default is made by the local officer of any county, city, or borough in complying with a requisition made in pursuance of this Act by the Commissioners of the Treasury, then the said Commissioners shall determine the amount to be paid by and as the contribution of each of the parishes or townships situate within the city or borough toward the amount required, and thereupon the justices in general or quarter sessions assembled having jurisdiction over each of the parishes or townships respectively within such county, city, or borough shall, on the application of the Commissioners of the Treasury, raise the sum specified in such requisition, together with a further sum of ten per cent. in addition, by a rate on each of the parishes or townships respectively within the county, city, or borough, the local officer of which has so made default, and shall pay the amount so raised to the Commissioners of the Treasury, and any rate made by such justices in pursuance of this Act shall be levied in the same manner in all respects as a county rate or contribution to a county rate in any such county, city, or borough, and may be enforced accordingly.

6. "The Registration Act, 1843," shall mean the Act of the session of the sixth year of the reign of Her present Majesty, chapter 18, intituled "An Act to amend the law "for the registration of persons entitled to vote, and to "define certain rights of voting, and to regulate certain "proceedings in the election of members to serve in Parliament for England and Wales."

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7. All expressions in this Act shall have the same meaning as in The Registration Act, 1843, and the definitions of the said Act shall, so far as they are applicable, be deemed to be re-enacted in this Act.

Payment of expenses in Scotland.

Expenses of commission in Scotch counties.

4. In Scotland, where commissioners have been appointed in respect of a county, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the commissioners of supply of the county, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such county.

Expenses of commission in Scotch burghs.

5. In Scotland, where commissioners have been appointed in respect of a burgh, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the magistrates of the burgh, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such burgh.

Payment of expenses in Ireland.

Payment of expenses in Ireland.

6. In Ireland the requisition of the Commissioners of Her Majesty's Treasury for payment of the advances in the case of any county, county of a city, county of a town, or of any borough situate in any county at large shall be forwarded to the treasurer of such county, county of a city, or county of a town, and in the case of the city of Dublin to the city treasurer: Provided always that when such commission of inquiry shall have issued in respect of any borough situate in two or more counties the said Commissioners of the Treasury shall forward to the treasurer of every county in which any part of such borough is situate a certificate of the sum to be paid by and as the contribution of such county towards defraying the expenses of such commission, and the sum to be paid by every such county shall be calculated as nearly as may be according to the same relative proportion as the number of persons in each county placed on the register for such borough bears to the total number of persons upon the same register, and every such requisition shall have the force and effect of a presentment duly made by the grand jury of such county, county of a city, or county of a town, and in the case of the city of Dublin by the

town council of the borough of Dublin, and the treasurer shall forthwith issue his warrant for the levying and collecting the amount mentioned in such requisition, and such amount shall be raised and levied within six months after the date of such requisition in like manner to all intents and purposes as if the same had been presented under the provisions of section seventy of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and shall be paid by the said treasurer as aforesaid to the said Commissioners of the Treasury.

Duration of Act.

7. This Act shall be in force until the expiration of two years from the passing thereof and to the end of the then next session of Parliament.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 22.

An Act for raising the sum of two million three hundred thousand pounds by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy. [24th June 1869.] A.D. 1869.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to give and grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 2,300,000*l.* by Exchequer bonds.

1. Towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy, it shall be lawful for the Commissioners of Her Majesty's Treasury at any time or times, but not later than the thirty-first day of March one thousand eight hundred and seventy, to cause any number of Exchequer Bonds to be made out at the Bank of England for any sum or sums of money not exceeding in the whole the sum of two million three hundred thousand pounds, and such bonds shall bear such interest as shall be determined by the said Commissioners, not exceeding four pounds per centum per annum, and shall be paid off at par at the expiration of any period or periods not exceeding five years from the date of such bonds.

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Interest on bonds, and repayment of principal money.

2. The interest on such bonds shall be paid half-yearly on such days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof; and the principal monies secured by such bonds shall be repaid out of such money as shall be provided by Parliament in that behalf.

Treasury may cause Exchequer bonds to be prepared and issued according to provisions of 29 & 30 Vict. c. 25.

3. The Commissioners of Her Majesty's Treasury may from time to time, by warrant under their hands, cause or direct the Exchequer bonds to be issued under the authority of this Act to be prepared for such principal sums, not less in any case than one hundred pounds, together with coupons for the interest becoming due from time to time thereon, in such form and under such regulations as the said Commissioners may think most safe and convenient, and according to the provisions, so far as they relate to Exchequer bonds, of an Act of the twenty-ninth year of Her Majesty, chapter twenty-five, intituled "An Act to consolidate "and amend the several laws regulating the preparation, issue, and "payment of Exchequer bills and bonds."

Persons forging Exchequer bonds, &c. guilty of felony.

4. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer bond issued under this Act, or any coupon for interest accruing thereon, such person shall be guilty of felony, and upon being lawfully convicted thereof shall suffer accordingly.

Money raised to be paid to the Consolidated Fund.

5. All such sums of money as shall be raised by Exchequer bonds to be made out in pursuance of this Act shall be paid to the account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Bank of England may advance 2,300,000*l.* on the credit of bonds, and National Debt Commissioners may purchase bonds with savings banks money.

6. The Governor and Company of the Bank of England may advance or lend to Her Majesty, upon the credit of the Exchequer bonds to be made out in pursuance of this Act, any sum or sums of money not exceeding in the whole the sum of two million three hundred thousand pounds (anything in any Act to the contrary notwithstanding); and the Commissioners for the Reduction of the National Debt may invest, in the purchase of Exchequer bonds issued under the authority of this Act, any money in their hands on account of savings banks, or Post Office savings banks.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 23.

An Act to extend the Power of Recorders to appoint Deputies in certain cases. [12th July 1869.]

A.D. 1869.

WHEREAS by an Act passed in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act to amend "the Act for the regulation of Municipal Corporations in England "and Wales," the recorders of boroughs having separate courts of quarter sessions are authorized and empowered, in case of sickness or unavoidable absence, to appoint deputies for the time being, and it is expedient to extend to recorders in the exercise of their civil jurisdiction as judges of the local courts of record in such boroughs, or any of them, a similar power in like cases:

6 & 7 Vict. c. 89.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to recorders exercising jurisdiction as justices of local courts of record to appoint deputies in certain cases to act in such courts.

1. That the recorder of every borough in which, by charter, custom, or otherwise, there is or ought to be holden a court or courts of record for the trial of civil actions, of which court or courts the recorder is the judge, shall be and he is hereby empowered, in case of sickness or unavoidable absence, to appoint under his hand and seal a barrister of not less than five years standing as his deputy to act for him and in his stead as judge of the court or courts of record then next to be held, or then being held, and not longer or otherwise; and the recorder upon every occasion of the appointment of a deputy shall forthwith send to the Secretary of State for the Home Department a statement of the reason why such appointment has become necessary: Provided nevertheless, that such court or courts shall not be deemed to have been illegally held, nor the acts of such deputy invalidated, by reason of the cause of absence

A.D. 1869. of the recorder not being deemed to be unavoidable within the meaning of this Act.

Extent of Act.

2. This Act shall not apply to Scotland or Ireland.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 24.

An Act to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Type-founders, and Reading Rooms. [12th July 1869.]

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acts and parts of Acts in first schedule repealed, except as in second schedule.

1. The Acts and parts of Acts described in the first schedule to this Act are hereby repealed, but the provisions of the said Acts which are set out in the second schedule to this Act shall continue in force in the same manner as if they were enacted in the body of this Act; and this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, and all such remedies and proceedings may be had and continued in the same manner as if this Act had not passed.

Short title.

2. This Act may be cited as The Newspapers, Printers, and Reading Rooms Repeal Act, 1869.

FIRST SCHEDULE.

Date of Act.	Title of Act, and part repealed.
36 Geo. 3. c. 8.	An Act for the more effectually preventing seditious meetings and assemblies.
39 Geo. 3. c. 79. in part.	An Act for the more effectual suppression of societies established for seditious and treasonable purposes, and for better preventing treasonable and seditious practices - - In part, namely,—sections fifteen to thirty-three, both inclusive, and so much of sections thirty-four to thirty-nine as relates to the above-mentioned sections.
51 Geo. 3. c. 65.	An Act to explain and amend an Act passed in the thirty-ninth year of His Majesty's reign, intituled "An Act for the "more effectual suppression of societies established for sedi- "tious and treasonable purposes, and for better preventing "treasonable and seditious practices," so far as respects certain penalties on printers and publishers.
55 Geo. 3. c. 101. in part.	An Act to regulate the collection of stamp duties and matters in respect of which licences may be granted by the commissioner of stamps in Ireland - - In part, namely,— Section thirteen.
60 Geo. 3. & 1 Geo. 4. c. 9.	An Act to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels.
11 Geo. 4. & 1 Will. 4 c. 73.	An Act to repeal so much of an Act of the sixtieth year of His late Majesty King George the Third, for the more effectual prevention and punishment of blasphemous and seditious libels, as relates to the sentence of banishment for the second offence, and to provide some further remedy against the abuse of publishing libels.
6 & 7 Will. 4. c. 76. in part.	An Act to reduce the duties on newspapers, and to amend the laws relating to the duties on newspapers and advertisements - In part, namely,— Except sections one to four (both inclusive), sections thirty-four and thirty-five, and the schedule.

Date of Act.	Title of Act, and part repealed.
2 & 3 Vict. c. 12.	An Act to amend an Act of the thirty-ninth year of King George the Third, for the more effectual suppression of societies established for seditious and treasonable purposes, and for preventing treasonable and seditious practices, and to put an end to certain proceedings now pending under the said Act.
5 & 6 Vict. c. 82. in part.	An Act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same until the tenth day of October one thousand eight hundred and forty-five - - - In part, namely,— The following words in section twenty "and "also licence to any "person to keep any "printing presses and "types for printing in "Ireland."
9 & 10 Vict. c. 33. in part.	An Act to amend the laws relating to corresponding societies and the licensing of lecture rooms - - In part, namely,— So far as it relates to any proceedings under the enactments repealed by this schedule.
16 & 17 Vict. c. 59. in part.	An Act to repeal certain stamp duties and to grant others in lieu thereof, to amend the laws relating to stamp duties, and to make perpetual certain stamp duties in Ireland - - In part, namely,— So much of section twenty as makes perpetual the provisions of 5 & 6 Vict. c. 82. repealed by this Act.

A.D. 1869.

SECOND SCHEDULE.

The enactments in this schedule, with the exception of sect. 19. of 6 & 7 Will. 4. c. 76., do not apply to Ireland.

39 Geo. 3. c. 79.

Section twenty-eight.

Not to extend to papers printed by authority of Parliament.

Nothing in this Act contained shall extend or be construed to extend to any papers printed by the authority and for the use of either House of Parliament.

Section twenty-nine.

Printers to keep a copy of every paper they print, and write thereon the name and abode of their employer.

Penalty of 20*l.* for neglect or refusing to produce the copy within six months.

Every person who shall print any paper for hire, reward, gain, or profit, shall carefully preserve and keep one copy (at least) of every paper so printed by him or her, on which he or she shall write, or cause to be written or printed, in fair and legible characters, the name and place of abode of the person or persons by whom he or she shall be employed to print the same; and every person printing any paper for hire, reward, gain, or profit who shall omit or neglect to write, or cause to be written or printed as aforesaid, the name and place of his or her employer on one of such printed papers, or to keep or preserve the same for the space of six calendar months next after the printing thereof, or to produce and show the same to any justice of the peace who within the said space of six calendar months shall require to see the same, shall for every such omission, neglect, or refusal forfeit and lose the sum of twenty pounds.

Section thirty-one.

Not to extend to impressions of engravings or the printing names and addresses.

Nothing herein contained shall extend to the impression of any engraving, or to the printing by letter-press of the name, or the name and address, or business or profession, of any person, and the articles in which he deals, or to any papers for the sale of estates or goods by auction or otherwise.

Section thirty-four.

Prosecutions to be commenced within three months after penalty is incurred.

No person shall be prosecuted or sued for any penalty imposed by this Act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Part of section thirty-five.

Recovery of penalties.

And any pecuniary penalty imposed by this Act, and not exceeding the sum of twenty pounds, shall and may be recovered before any justice or justices of the peace for the county, stewartry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way.

Section thirty-six.

Application of penalties.

All pecuniary penalties herein-before imposed by this Act shall, when recovered in a summary way before any justice, be applied and disposed of in manner herein-after mentioned; that is to say, one moiety thereof to the informer before any justice, and the other moiety thereof to His Majesty, his heirs and successors.

51 Geo. 3. c. 65.

Section three.

Name and residence of printers not required to be put to bank notes, bills, &c., or to any paper printed by authority of any public board or public office.

Nothing in the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, or in this Act contained shall extend or be construed to extend to require the name and residence of the printer to be printed upon any bank note, or bank post bill of the Governor and Company of the Bank of England, upon any bill of exchange, or promissory note, or upon any bond or other security for payment of money, or upon any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or upon any transfer or assignment of any public stocks, funds, or other securities, or upon any transfer or assignment of the stocks of any public corporation or company authorized or sanctioned by Act of Parliament, or upon any dividend warrant of or for any such public or other stocks, funds, or securities, or upon any receipt for money or goods, or upon any proceeding in any court of law or equity, or in any inferior court, warrant, order, or other papers printed by the authority of any public board or public officer in the execution of the duties of their respective offices, notwithstanding the whole or any part of the said several securities, instruments, proceedings, matters, and things aforesaid shall have been or shall be printed.

6 & 7 Will. 4. c. 76.

Section nineteen.

Discovery of proprietors, printers, or publishers of newspapers may be enforced by bill, &c.

If any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required; provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in that proceeding for which the discovery is made.

2 & 3 Vict. c. 12.

Section two.

Penalty upon printers for not printing their name and residence on every paper or book, and on persons publishing the same.

Every person who shall print any paper or book whatsoever which shall be meant to be published or dispersed, and who shall not print upon the front of every such paper, if the same shall be printed on one side only, or upon the first or last leaf of every paper or book which shall consist of more than one leaf, in legible characters, his or her name and usual place of abode or business, and every person who shall publish or disperse, or assist in publishing or dispersing, any printed paper or book on which the name and place of abode

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of the person printing the same shall not be printed as aforesaid, shall for every copy of such paper so printed by him or her forfeit a sum not more than five pounds: Provided always, that nothing herein contained shall be construed to impose any penalty upon any person for printing any paper excepted out of the operation of the said Act of the thirty-ninth year of King George the Third, chapter seventy-nine, either in the said Act or by any Act made for the amendment thereof.

Section three.

As to books or papers printed at the university presses.

In the case of books or papers printed at the University Press of Oxford or the Pitt Press of Cambridge, the printer, instead of printing his name thereon, shall print the following words, "Printed at the University Press, Oxford," or "The Pitt Press, Cambridge," as the case may be.

Section four.

No actions for penalties to be commenced except in the name of the Attorney or Solicitor General in England or the Queen's Advocate in Scotland.

Provided always, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred or which may hereafter be incurred under the provisions of this Act, unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney General or Solicitor General in that part of Great Britain called England, or Her Majesty's Advocate for Scotland (as the case may be respectively); and if any action, bill, plaint, or information shall be commenced, prosecuted, or filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void to all intents and purposes.

9 & 10 Vict. c. 33.

Section one.

Proceedings shall not be commenced unless in the name of the law officers of the Crown.

It shall not be lawful for any person or persons to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of Her Majesty's courts, or before any justice or justices of the peace, against any person or persons for the recovery of any fine which may hereafter be incurred under the provisions of the Act of the thirty-ninth year of King George the third, chapter seventy-nine, set out in this Act unless the same be commenced, prosecuted, entered, or filed in the name of Her Majesty's Attorney General or Solicitor General in England or Her Majesty's Advocate in Scotland, and every action, bill, plaint, or information which shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is in that behalf before mentioned, and every proceeding thereupon had, shall be null and void to all intents and purposes.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 25.

An Act to amend the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter eighty-three, section nine, by extending the age at which orphan and deserted children may be kept out at nurse. [12th July 1869.]

A.D. 1869.

WHEREAS it is expedient to amend the provisions of the Act twenty-five and twenty-six Victoria, chapter eighty-three, so far as the same relate to the relief of orphan and deserted children out of workhouses in Ireland: 25 & 26 Vict. c. 83.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, section nine of the Act twenty-five and twenty-six Victoria, chapter eighty-three, shall be and the same is hereby repealed. Sect. 9 of 25 & 26 Vict. c. 83. repealed.

2. From and after the passing of this Act it shall be lawful for the board of guardians of any union in Ireland to provide for the relief of any orphan or deserted child out of the workhouse, if they shall think fit to do so, by placing such child out at nurse, according to their discretion; provided that no child shall be placed out with any person who does not profess the same religion as that in which the child has been registered, and that no child shall continue to be so relieved after the age of ten years. Relief of orphans and deserted children.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 26.

An Act to extend to Burial Grounds the Provisions of the Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Twenty-eight, intituled "An Act to render more "simple and effectual the Titles by which Congregations and "Societies for Purposes of Religious Worship or Education "in England and Ireland hold Property for such Purposes." [12th July 1869.] A.D. 1869.

WHEREAS it is expedient to extend the provisions of the said Act so as to include burial grounds:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Provisions of recited Act extended to burial grounds.

1. Wherever freehold, leasehold, copyhold, or customary property in England or Wales has been or hereafter shall be acquired by any congregation or society or body of persons associated for religious purposes as a burial ground, whether in use or closed, all the provisions in the said recited Act made applicable to a chapel, meeting-house, or other place of religious worship shall be applicable to such burial ground, and this Act and the said recited Act shall be construed as one Act: Provided always, that nothing herein contained shall in any way interfere with the Burial Acts. Proviso.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 27.

An Act to amend the law for licensing Beerhouses, and to make certain alterations with respect to the Sale by retail of Beer, Cider, and Wine. [12th July 1869.] A.D. 1869.

WHEREAS by the Acts relating to the general sale of beer and cider by retail in England; (that is to say,)

(1.) An Act of the session of the last year of the reign of King George the Fourth and the first year of the reign of King William the Fourth, chapter sixty-four, intituled "An Act "to permit the general sale of beer and cider by retail in "England;" 11 G. 4. & 1 W. 4. c. 64.

(2.) An Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter eighty-five, intituled "An Act to amend an Act passed in the first "year of His present Majesty, to permit the general sale "of beer and cider by retail in England;" 4 & 5 W. 4. c. 85.

(3.) An Act of the session of the third and fourth years of the reign of Her present Majesty, chapter sixty-one, intituled "An Act to amend the Acts relating to the general sale "of beer and cider by retail in England;" 3 & 4 Vict. c. 61.

(4.) An Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter twenty-one, entitled "An Act for granting to Her Majesty certain "duties of excise and stamps;" 24 & 25 Vict. c. 21.

provision is made for the grant of licences by the excise for the sale by retail of beer and cider upon the terms and conditions therein specified:

And whereas by an Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter thirty-three, intituled "An Act for granting to Her Majesty certain "duties of inland revenue, and to amend the laws relating to the "inland revenue," it is enacted, that any person who after the passing of that Act has taken out an excise licence to sell strong 26 & 27 Vict. c. 33.

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beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles, at one time, to be drunk or consumed elsewhere than on his premises, may take out an additional licence on payment of the excise duties therein mentioned, and that the same shall authorize such person to sell beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold, and that such additional licence shall be granted without the production of any certificate, or the possession of any other qualification than the licence therein first mentioned:

23 & 24 Vict. c. 27.

And whereas provision is made for the grant of licences by the excise for refreshment houses and for the sale of wine by retail, and for other purposes, by an Act of the session of the twenty-third year of the reign of Her present Majesty, chapter twenty-seven, intituled "An Act for granting to Her Majesty certain "duties on wine licences and refreshment houses, and for regu-"lating the licensing of refreshment houses, and the granting of "wine licences:"

And whereas it is expedient to make better provision with regard to the granting of the licences herein-before mentioned, and for regulating the houses and shops in which beer, cider, and wine are sold by retail:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Application of Act.

1. This Act shall not apply to Scotland or Ireland.

Definition of "beer" and cider.

2. For the purposes of this Act the term "beer" shall include ale and porter, and the term "cider" shall include perry.

Short title.

3. This Act may be cited as "The Wine and Beerhouse Act, 1869."

Retail licences not to be granted without certificate granted under this Act.

4. From and after the fifteenth of July one thousand eight hundred and sixty-nine no licence or renewal of a licence for the sale by retail of beer, cider, or wine, or any of such articles, under the provisions of any of the said recited Acts shall (save as is in this Act otherwise provided) be granted except upon the production and in pursuance of the authority of a certificate granted under this Act.

Any licence granted or renewed in contravention of this enactment shall be void.

Certificates by whom to be granted.

5. Certificates under this Act shall be granted by the justices assembled at the general annual licensing meeting held in pur-

suance of an Act of the session of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled "An Act to "regulate the granting of licences to keepers of inns, alehouses, "and victualling houses in England," or at some adjournment of such meeting held in pursuance of the said last-mentioned Act: Provided that certificates for licences under the said Acts of the twenty-third year of the reign of Her present Majesty, of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, and of the twenty-sixth and twenty-seventh years of Her present Majesty, may be granted by justices at the special sessions for transferring licences.

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9 G. 4. c. 61.

Form of certificate.

6. A certificate under this Act shall specify the name and address of the person thereby authorized to receive a licence, the description of licence or licences authorized to be granted to him, and whether such licence or licences is or are to be granted for the sale of beer, cider, or wine to be consumed on or off the premises, and the situation of the house or shop in respect of which such grant is authorized. It shall be in force for one year from the date of its being granted, and shall be in the form given in the first schedule hereto, or as near thereto as circumstances admit.

Notice of application.

7. Every person intending to apply to the justices for a certificate under this Act shall, twenty-one days at least before he applies, give notice in writing of his intention to one of the overseers of the parish, township, or place in which the house or shop in respect of which his application is to be made is situate, and to some constable or peace officer acting within such parish, township, or place, and shall in such notice set forth his name and address, and a description of the licence or licences for which he intends to apply, and of the situation of the house or shop in respect of which the application is to be made; and in the case of a house or shop not theretofore licensed for the sale by retail of beer, cider, or wine, such person shall also within the space of twenty-eight days before such application is made cause a like notice to be affixed and maintained between the hours of ten in the morning and five in the afternoon of two consecutive Sundays on the door of such house or shop, and on the principal door or on one of the doors of the church or chapel of the parish or place in which such house or shop is situate, or, if there be no such church or chapel, on some other public and conspicuous place within such parish or place.

Where application is made to the justices for the grant of a certificate under this Act by way of renewal only, notice in pursuance of this section shall not be requisite.

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Provisions of 9 G. 4. c. 61. to apply to grants of certificates under this Act.

8. All the provisions of the said Act of the ninth year of the reign of King George the Fourth as to the terms upon which, and the manner in which, and the persons by whom, grants of licences are to be made by the justices at the said general annual licensing meeting, and as to appeal from any act of any justice, shall, so far as may be, have effect with regard to grants of certificates under this Act, subject to this qualification, that no application for a certificate under this Act in respect of a licence to sell by retail beer, cider, or wine not to be consumed on the premises shall be refused, except upon one or more of the following grounds; viz.,

(1.) That the applicant has failed to produce satisfactory evidence of good character:

(2.) That the house or shop in respect of which a licence is sought, or any adjacent house or shop owned or occupied by the person applying for a licence, is of a disorderly character, or frequented by thieves, prostitutes, or persons of bad character:

(3.) That the applicant having previously held a licence for the sale of wine, spirits, beer, or cider, the same has been forfeited for his misconduct, or that he has through misconduct been at any time previously adjudged disqualified from receiving any such licence, or from selling any of the said articles:

(4.) That the applicant, or the house in respect of which he applies, is not duly qualified as by law is required:

Where an application for any such last-mentioned certificate is refused on the ground that the house in respect of which he applies is not duly qualified as by law is required, the justices shall specify in writing to the applicant the grounds of their decision.

As to transfer of certificates.

9. A certificate may be transferred to a new tenant or occupant of any house or premises in respect of which a licence under any of the said recited Acts shall have been granted before the commencement of this Act, or in respect of which a certificate shall have been granted under this Act, by the justices (or the majority of them) in petty sessions for any borough, county, division, or place within which such house or premises shall be situated, which transferred certificate shall be in force until the then next general annual licensing meeting or special sessions for transferring licences, as the case may be; and it shall be lawful for a new tenant or occupant of any such house or premises as aforesaid, without a certificate, to sell beer, cider, and wine until the then next petty sessions holden in and for the borough, county, division, or place in which such house or premises shall be situated.

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As to renewal of licences in force in Middlesex and Surrey.

10. A licence in force at the time of the passing of this Act for premises situated in the county of Middlesex or of Surrey may be renewed without a certificate at any time prior to the first general annual licensing meeting held for such counties respectively after the passing of this Act.

Penalty on forgery of certificate.

11. If any person forge, or tender knowing the same to have been forged, any certificate authorized to be granted by this Act, he shall, on summary conviction before two or more justices, be liable to a penalty not exceeding twenty pounds, or, in the discretion of the justices before whom he is tried, to imprisonment for any period not exceeding six months, with or without hard labour. Any licence granted in pursuance of such forged certificate shall be void, and any person making use of such forged certificate, knowing the same to have been forged, shall be disqualified from obtaining at any time thereafter a licence for the sale of beer, cider, or wine by retail under any of the said recited Acts.

Constables may enter on houses licensed to sell beer, &c. not to be consumed on the premises.

12. Constables and officers of police may at all times enter into and examine—

(1) Any house or shop in respect of which any person is licensed under any of the said recited Acts to sell by retail beer, cider, or wine not to be consumed on the premises;

(2) Any house or shop in which any person is authorized by virtue of an additional licence under the said recited Act of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty to sell beer by retail;

(3) Any house or shop licensed for the sale of table beer under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter twenty-one;

In the same manner as if such house or shop were licensed for the sale by retail of beer, cider, or wine to be consumed on the premises; and if any such licensed person, or any servant or other person in his employ or by his direction, refuse to admit or do not admit any constable or officer demanding admittance to such house or shop, such licensed person shall be liable to the same penalties recoverable or to be enforced in the same manner in all respects as if he were licensed in respect of such house or shop to sell by retail beer, cider, or wine to be consumed on the premises, and had refused admittance to such constable or officer.

Proof of money passing not necessary to prove sale.

13. In any legal proceeding under any of the said recited Acts it shall not be necessary in order to prove the sale of beer, cider, or wine in or upon any house or premises to prove the receipt or pay-

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ment of any money in respect of such sale, but proof that any beer, cider, or wine was drunk or consumed in or upon such house or premises by any person other than the keeper of such house or premises, or some servant or inmate residing therein, shall be primâ facie evidence of the sale of such beer, cider, or wine in or upon such house or premises.

In cases of illegal sale on neighbouring premises evidence need not be given of ownership of such premises.

14. In any proceeding in relation to any forfeiture or penalty alleged to be incurred by any person licensed to sell by retail beer, cider, or wine, not to be consumed on the premises, for having, with intent to evade the provisions of any Act of Parliament, taken or authorized or suffered any person to take any beer, cider, or wine out of or from the house or premises of such licensed person for the purpose of being for his benefit or profit drunk or consumed in any other house, or in any tent, shed, or other building, premises, or place, it shall not be necessary to prove that such last-mentioned house, tent, shed, building, premises, or place belonged to such licensed person, or was hired, used, or occupied by him, if proof be given to the satisfaction of the justices having cognizance of the case that such beer, cider, or wine was drunk or consumed therein or thereupon with intent to evade the provisions of any such Act; and on such proof being given, such beer, cider, or wine shall be deemed to have been drunk or consumed on the premises of the said licensed person, and he shall be subject to the like penalties and forfeitures as if such beer, cider, or wine had been drunk or consumed in any house or on any premises licensed only for the sale thereof not to be consumed on the premises.

Penalty for selling beer or cider to be drunk at illegal times.

15. If any person suffer beer or cider to be drunk in his house at any time during which the house ought by law to be closed, he shall be liable, on summary conviction, to a penalty not exceeding forty shillings for each offence.

Persons present in houses open at illegal hours to be liable to penalties.

16. Where any person licensed under any of the said recited Acts to sell beer, cider, or wine by retail, or any person licensed under the said Act of the ninth year of the reign of King George the Fourth, is convicted of keeping his house open for the sale of or of selling beer, cider, wine, spirits, or any other exciseable liquor, or of suffering the same to be drunk in such house, at any time during which such house ought by law to be closed, any person (other than the servants or inmates of such house) present in such house at such time shall, unless he account for his presence to the satisfaction of the justices having cognizance of the case, be liable on summary conviction to a penalty not exceeding forty shillings for each offence.

17. In the following cases, that is to say,

(1.) Where any person is convicted of an offence against the tenor or conditions of a licence granted to him under any of the said recited Acts, or of an offence for which a penalty is imposed by any of the said recited Acts;

(2.) Where any person is convicted of an offence against the tenor of a licence granted to him under the said Act of the ninth year of the reign of King George the Fourth;

In order to constitute a second or third offence previous offence need not have been committed within a limited period.

if any previous conviction or convictions since the passing of this Act for any of the said offences be proved against him, the offence of which he is last convicted shall be deemed to be a second or third offence, as the case may be: Provided that the said previous conviction or convictions did take place within the five years next preceding.

18. All houses or shops licensed for the sale of table beer under the Act twenty-fourth and twenty-fifth years of Victoria, chapter twenty-one, and all premises on which any person is authorized by virtue of an additional licence granted under the said recited Act of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty to sell beer by retail, and all persons holding such licences, shall be subject and liable to all and every the regulations, restrictions, inspections, and penalties as to times of opening and closing of houses, and conduct of persons conducting or carrying on the trade to which beerhouses, and persons licensed to keep the same, are subject and liable under the several statutes relating thereto.

As to management of houses licensed for sale of table beer.

19. Where, on the first of May one thousand eight hundred and sixty-nine, a licence under any of the said recited Acts is in force with respect to any house or shop for the sale by retail therein of beer, cider, or wine to be consumed on the premises, it shall not be lawful for the justices to refuse an application for a certificate for the sale of beer, cider, or wine to be consumed on the premises in respect of such house or shop, except upon one or more of the grounds upon which an application for a certificate under this Act in respect of a licence for the sale of beer, cider, or wine, not to be consumed on the premises, may be refused, in accordance with this Act: Provided that where a person licensed in respect of such house or shop to sell therein by retail beer, cider, or wine to be consumed on the premises is convicted, after the passing of this Act, of more than one offence against the tenor of his licence, or of more than one offence for which any penalty is imposed by any of the said recited Acts, the justices by whom such person is con-

Existing licences to be renewed, except in certain cases.

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victed may, if they think fit, order that the house or shop shall, for the purposes of this section, be thenceforth deemed to be a house or shop in respect of which no licence for the sale by retail of beer, cider, or wine was in force at the time of the passing of this Act: Provided always, that every holder of such licence shall, when required by any two justices, be bound to produce his licence under a penalty not exceeding ten pounds, to be levied in default of payment, on the order of such justices, by distraint upon his goods and chattels; and provided also, that no conviction under the powers and provisions of this Act shall be deemed to affect any licence in force as aforesaid, unless the justices by whom such conviction was adjudged shall have directed their clerk to record and the clerk shall have recorded on the licence the fact of that conviction.

Nothing to affect privileges and rights herein named.

20. Nothing in this Act contained shall be deemed to affect—

(1.) The privileges heretofore enjoyed by any university in England, or the chancellor, masters, and scholars of the same, or their successors:

(2.) The privileges heretofore enjoyed by the masters, wardens, freemen, and commonalty of the vintners of the city of London, except as to those freemen of the said vintners who have obtained their freedom by redemption only:

(3.) The privileges heretofore enjoyed by the mayor or burgesses of the city of St. Albans in the county of Hertford, or their successors:

(4.) The right of any person who is duly authorized by justices of the peace to keep a common inn, alehouse, or victualling house to take out any excise licence:

(5.) The grant of any occasional licence, or the power of any person duly authorized by the excise to sell beer, spirits, or wine at any fair or public races.

As to repeal of Acts set forth in second schedule.

21. The several parts of the Acts set forth in the second schedule hereto shall be repealed to the extent therein specified so far as relates to any licence under any of the said recited Acts granted after the passing of this Act within any place to which this Act applies: Provided that such repeal shall not affect—

(1.) Any liability incurred or thing duly done before the commencement of this Act:

(2.) Any penalty, forfeiture, or other punishment incurred in respect of any offence committed before the commencement of this Act:

(3.) Any legal proceeding or legal remedy for enforcing or recovering any such liability, thing, penalty, forfeiture, or punishment as aforesaid. A.D. 1869.

22. This Act shall be in force for two years from the date of the passing thereof, and until the end of the then next session of Parliament. Act to be in force for two years.

FIRST SCHEDULE.

Form of Certificate.

We, the justices assembled [*or* being the majority of the justices assembled] at the general annual licensing meeting [*or* an adjournment of the general annual licensing meeting, *or* at a special petty session] of Her Majesty's justices of the peace acting for the division [*or* liberty, &c., *as the case may be,*] of in the county of holden on the day of one thousand eight hundred and do hereby authorize the grant to *A.B.* of in the county of of a licence or licences, if more than one be authorized, to sell by retail [beer, cider, *or* wine to be consumed on *or* off the premises] at a house [*or* shop] situate [*describe situation and the particular Act or Acts under which the licence is to be taken out*].

Witness our hands, this day of

SECOND SCHEDULE.

Acts repealed.	Title of Act.	Extent of Repeal.
11 Geo. 4. & 1 Will. 4. c. 64.	An Act to permit the general sale of beer and cider by retail in England.	So much of section two as requires the grant of an Excise licence under the provisions of the Act to be made within ten days after application has been made for the same.
4 & 5 Will. 4. c. 85.	An Act to amend an Act passed in the first year of His present Majesty to permit the general sale of beer and cider by retail in England.	Sections two, three, eight, and nine.
3 & 4 Vict. c. 61.	An Act to amend the Acts relating to the general sale of beer and cider in England.	Sections two, three; so much of section four as enacts that in any extra-parochial place or places where no rates are made or collected for the relief of the poor a person applying for a licence shall produce to and deposit and leave with the proper officer of excise granting such licence a certificate in writing, signed by two inhabitant householders of the township or place, certifying that the party applying is the real resident in and occupier of the dwelling-house sought to be licensed, and also certifying the true and real annual value of the same with the premises occupied therewith, according to the best of their judgment and belief; Sections five and six.
23 Vict. c. 27.	An Act for granting to Her Majesty certain duties on wine licences and refreshment houses, and for regulating the licensing of refreshment houses and the granting of wine licences.	Sections thirteen, fourteen, and fifteen.
24 & 25 Vict. c. 21.	An Act for granting to Her Majesty certain duties of excise and stamps.	So much of section three as renders it unnecessary that the person applying for a licence shall produce any certificate.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 28.

An Act to afford facilities for the Establishment and Maintenance of public Parks in Ireland. [12th July 1869.]

A.D. 1869.

WHEREAS it is expedient that facility should be given for the establishment and maintenance of public parks in towns in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Public Parks (Ireland) Act, 1869.

Limits of Act.

2. This Act shall extend and apply only to Ireland.

Part of 8 & 9 Vict. c. 18. incorporated.

3. The provisions of the Lands Clauses Consolidation Act, 1845, for the purchase of lands by agreement, are incorporated with this Act.

Interpretation of terms.

4. The expression "governing body" shall in the several places in the schedule annexed hereto in that behalf mentioned mean the persons or bodies of persons referred to in the first column of the schedule hereto annexed; and the term "town" in relation to a governing body shall as respects each authority mean the places in that behalf referred to in the second column of the said schedule.

Governing body may determine to establish public parks, walks, &c., and levy rates for maintaining the same, &c.

5. The governing body of any town, the population of which, according to the last account from time to time taken thereof by the authority of Parliament, exceeds six thousand persons, may, by a resolution to be made in manner herein-after mentioned, determine to establish and maintain any public park or parks for the use and enjoyment of the persons inhabiting such town, and may, after the said resolution has been confirmed, levy rates for making or maintaining such public park or parks, and may, for the purposes of this Act, purchase lands, and may accept gifts or grants of land.

A.D. 1869.

Resolution.

6. Any resolution by the governing body of any town for the purposes aforesaid shall not have effect unless the same has been agreed to by the governing body in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than four weeks after the next ensuing annual election of the members of the governing body, and which subsequent meeting has been advertised once at least in each of the four weeks immediately preceding the said meeting in some newspaper circulated within the limits of the town, and of which special notice in writing has been given to each member of the governing body.

How expenses to be defrayed.

7. The governing body of any town shall pay all expenses incurred by them in carrying any resolution under this Act into effect out of the fund in the schedule in that behalf mentioned, and, where such fund arises wholly or in part from rates, shall have, in addition to their existing powers of rating, all such powers for making and levying any extra rate, if necessary, respectively, as in the case of any rate authorized to be made under the provisions of the respective Acts of Parliament under which such governing body is constituted or authorized to levy rates; and all provisions of such Acts respectively shall be applicable in respect thereof: Provided that when the rates to be assessed by such governing body are limited by law to a certain rateable amount, such limitation shall not apply or extend to expenses incurred in carrying this Act into execution; and it shall be lawful for such governing body to assess the expenses under this Act, in addition to such limited assessment: Provided always, that no rate made in any one year under the authority of this Act shall exceed threepence in the pound.

Power to borrow money.

8. The governing body of any town shall, for the purposes of this Act, have all such powers of borrowing money on the security of the rate or fund available for the payment of expenses under this Act as are vested in such governing body under the provisions of the respective Acts of Parliament under which such governing body is constituted or authorized to levy rates; but such powers shall be subject to the conditions and sanction (if any) under which the powers under the said Acts may be exercised by such governing bodies: Provided always, that the powers of borrowing money hereby conferred may be exercised in addition to the powers conferred by the said Acts.

Power to appoint committees.

9. Where any resolution to establish and maintain a park in any town under the provisions of this Act has been confirmed, the governing body of such town may from time to time, at any meeting

specially convened for that purpose, form a committee, consisting wholly of its own members, or partly of its own members and partly of such other persons contributing to the rate or fund out of which the expenses incurred in carrying out this Act are to be paid, and qualified in such manner as the governing body may determine; and the governing body may define the powers of such committee, and may delegate to them all or any of the powers of such governing body under this Act.

Power to make byelaws.

10. Where any park shall have been established in any town under the provisions of this Act, the governing body of such town may make byelaws for the use, government, control, or management of such park, and for the protection and preservation from injury of the same, and of the trees, shrubs, walks, seats, gates, fences, and palings, and all other parts thereof, and for the exclusion of improper persons from the same, and may alter or revoke any such byelaws, and shall appoint a penalty not exceeding five pounds for any and every breach of any byelaw made as aforesaid: Provided always, that such byelaws shall be made by such governing body, in the same manner, subject to the same conditions, and with the like sanction as if the same were byelaws made by such governing body under the provisions of and for the purposes mentioned in the Act or Acts under which such governing body is constituted or authorized to levy rates.

SCHEDULE.

Description of governing body.	Description of town.	Rate or fund out of which expenses incurred under this Act to be defrayed.
The Right Honourable the Lord Mayor, aldermen, and burgesses, acting by the town council.	The city of Dublin -	The borough rate or borough fund.
The mayor, aldermen, and burgesses, acting by the town council.	Towns corporate, with exception of Dublin.	The borough rate or borough fund.
The town commissioners - -	Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 113), or under any local Act.	Any rate levied by the commissioners.
The township commissioners - -	Townships having commissioners under local Acts.	
The commissioners appointed by virtue of an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	Towns under such commissioners.	
The municipal commissioners -	Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The town fund.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 29.

An Act to render valid certain Title Deeds for Inam Lands. A.D. 1869.

[12th July 1869.]

WHEREAS by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act for the better government of India," it was provided that any deed, contract, or other instrument for the purpose of disposing of real estate in India, vested in Her Majesty under the said last-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by order of the Governor General in Council, or the Governor of Fort Saint George or of Bombay in Council: 22 & 23 Vict. c. 106.

And whereas certain title deeds have been issued for Inam lands in the Presidency of Fort Saint George by the Inam commissioner in the execution of his office in that respect in which it is not expressed that they are executed by order of the Governor in Council, and which further purport to have been executed on behalf of the Governor in Council instead of on behalf of the Secretary of State for India in Council:

And whereas it is apprehended that such title deeds might, under the operation of the Acts above recited, be invalid:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That no title deed for Inam lands issued by the Inam commissioner in the Presidency of Fort Saint George up to the date of the passing of this Act shall be deemed invalid on the ground that such deed is not expressed therein to have been executed by order of the Governor in Council, or that it is expressed to Title deeds for Inam lands valid.

A.D. 1869.

have been executed on behalf of the Governor in Council of Fort Saint George instead of on behalf of the Secretary of State for India in Council; and all such title deeds shall be read and have the same effect as if they were expressed to have been executed by order of the Governor in Council and on behalf of the Secretary of State for India in Council.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 30.

An Act to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of the District Chapelry annexed to the Chapel of Cowgill. A.D. 1869.

[12th July 1869.]

WHEREAS a certain chapel was consecrated at Park Gate, in the parish of Rawmarsh, in the county and diocese of York, on the sixth day of August one thousand eight hundred and sixty-eight:

And whereas by an Order of Her Majesty in Council bearing date the seventeenth day of March one thousand eight hundred and sixty-nine a consolidated chapelry was annexed to the said chapel:

And whereas between the said sixth day of August one thousand eight hundred and sixty-eight and the said seventeenth day of March one thousand eight hundred and sixty-nine, certain marriages were solemnized in the said chapel according to the rites and usages of the United Church of England and Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriages not invalid, &c.

1. That none of these marriages shall be invalid by reason of its having been celebrated in a church or chapel not duly licensed for marriages.

Name of district chapelry altered to "District chapelry of Kirkthwaite."

2. Whereas by an Order in Council bearing date the ninth day of September one thousand eight hundred and sixty-five, a district chapelry was annexed to the chapel of Cowgill, in the parochial chapelry of Dent, in the parish of Sedbergh, in the county of York and diocese of Ripon, to be called by the name of the District Chapelry of Kirkthwaite, which district chapelry has since become

A.D. 1869. a new parish for ecclesiastical purposes, such new parish shall henceforth be called by the name of the "new parish of Cowgill," and not by the name of "the new parish of Kirkthwaite."

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 31.

An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Langston, and to amend the forty-fifth section of The Sea Fisheries Act, 1868. [12th July 1869.]

A.D. 1869.

WHEREAS an order made by the Board of Trade under The Sea Fisheries Act, 1868, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 31 & 32 Vict. c. 45.

And whereas it is expedient that the Order made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Order in schedule.

1. The Order set out in the schedule to this Act shall be and the same is hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force.

Certificate to be made by the Board of Trade.

2. Any certificate hereafter to be made by the Board of Trade, in pursuance of the forty-fifth section of "The Sea Fisheries Act, 1868," may be made either as to the entire area of the fishery or as to any part thereof.

Short title.

3. This Act may be cited as The Oyster and Mussel Fisheries Orders Confirmation Act, 1869 (No. 2).

A.D. 1869.

SCHEDULE.

Langston.

Order for the establishment and maintenance by the South of England Oyster Company, Limited, of a several oyster fishery in Langston Channel and other parts of Langston Harbour in the county of Southampton, and in certain rythes or channels in Chichester Harbour in the said county.

Undertakers.

1. The South of England Oyster Company, Limited, (in this Order called the company,) shall be the undertakers of the fishery mentioned in this Order.

Limits of fishery.

2. The following are the company's fishery grounds under this Order (as shown on plans deposited at the Board of Trade), namely, all those parts of the bed of the channels inside Langston Harbour known as Langston Channel, being all that part of the main channel surrounding the island of Hayling on the western side, covered with the tide at low water ordinary neap tides, and all that portion of the rythes lying between the main channel surrounding the island of Hayling on the western side and the mainland of the said island, which at low water of ordinary neap tides is covered with the tide, situate within the several parishes of Hayling North, Hayling South, Wymering, Widley, Farlington, Bedhampton, Portsmouth, Portsea extra parochial, or some or one of them, all in the county of Southampton, containing an area of two hundred acres or thereabouts, and bounded as follows: that is to say, on the north by an imaginary line drawn from a point 300 yards or thereabouts south of the eastern end of Hayling Bridge to New Milton, and on the south by an imaginary line drawn from a point 300 yards or thereabouts north-east of the northern bank of Rod Rythe, at its junction with the main channel, to a point on the opposite side of Langston Channel due west of the said point; also all those parts of the foreshore and bed of the channels or rythes inside Chichester Harbour, known as Mengeham Rythe and Cockle Rythe, both of which said rythes are situated on and run out of the western side of Emsworth Channel, situate in the said parish of Hayling South in the said county of Southampton, containing an area of twenty-five acres or thereabouts, bounded on the east side by an imaginary line drawn across the end of Cockle Rythe at the point where it falls into or joins the Emsworth Channel.

Right of several fishery.

3. This Order confers on the company a right of several oyster fishery within the limits above mentioned.

Marking of limits.

4. The limits of the said several fishery shall be marked out as follows; that is to say, by poles or beacons placed on the line of low water mark of ordinary neap tides on each side of Langston Channel and Cockle Rythe, at the boundaries referred to in Article 2 of this Order, and on the east and west sides of Langston Channel by poles or beacons placed on the line of low water mark of ordinary neap tides at intervals of not more than 100 yards.

Notice to be given if marks obliterated.

5. In the event of the marks mentioned in the last foregoing Article being obliterated by storm or otherwise, they shall be replaced by the company,

and notice of the said limits may be given to fishermen, dredgermen, and other persons:

(1.) By notice boards or placards placed in conspicuous places at the entrances of Langston and Chichester Harbours, at Emsworth, and at Hayling Bridge:

(2.) By advertisements in one or more local newspapers, and in the London "Shipping and Mercantile Gazette."

Works not to be commenced without assent of Board of Trade.

6. No buildings, erections, embankments, or other works other than the marks mentioned in Article 4 of this Order, shall at any time be commenced or executed within the limits above described without the previous sanction and approval in writing of the Board of Trade.

Company to give accounts of capital, receipts, and expenditure, and of oysters sold.

7. The company shall render to the Board of Trade such accounts of their capital, expenditure, and income, and of all oysters sold by the company, in such form and at such times as the Board of Trade may require, and shall allow the Board of Trade or any person appointed by the Board of Trade to inspect the fishery, and all books and documents in their possession relating thereto, and shall give to such board or person all such information relating thereto as they or he may require.

Time of operation.

8. This Order shall continue in operation for sixty years from its confirmation by Act of Parliament, and no longer.

Saving rights under "Crown Lands Act, 1866."

9. This Order shall not be taken as a consent to the surrender of any rights, interests, power, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866."

Short title.

10. This Order may be cited as "The Langston Fishery Order, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 32.

An Act to provide for the Commutation of Pensions payable to officers and other persons out of the sums voted by Parliament to defray the charges of the army and navy services. [26th July 1869.]

A.D. 1869.

WHEREAS it is expedient to make provision for the commutation of pensions payable to officers and certain other persons out of the sums voted by Parliament to defray the charges of the army and navy services:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Pensions Commutation Act, 1869."

Definition of terms.

2. In this Act—

The term "the Treasury" shall mean the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them:

The term "pension" shall include any half-pay, compensation allowance, superannuation or retirement allowance, or other payment of the like nature.

Application of Act.

3. This Act shall apply only to officers and persons entitled to pensions out of the sums voted by Parliament to defray the charges of the navy and army services, not including non-commissioned officers and soldiers of Her Majesty's army and petty officers and seamen of Her Majesty's navy.

Power to Treasury to commute pensions.

4. It shall be lawful for the Treasury, in accordance with such regulations as they may from time to time make, on the application of any person to whom this Act applies, to commute his pension by the payment of a capital sum of money, calculated

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according to the estimated duration of the life of the pension-holder, subject to the following provisions:

(1.) In calculating the amount payable in respect of the commutation of any pension, the following rules shall be observed:

(*a.*) The age of the pension-holder shall be reckoned at the age he will attain on the birthday next succeeding his application for commutation:

(*b.*) In the case of impaired lives, years shall be added to the age of the pension-holder for the purpose of calculating the amount of commutation payable to him; and in like manner a deduction from age shall be made as an equivalent for the right to prospective increase of the pension to be commuted:

(*c.*) In calculating the amount payable in respect of any pension, interest shall be reckoned at a rate of not less than five pounds per centum per annum.

(2.) Save as is in this section expressly provided, nothing in this Act contained shall be held to deprive the wife or children of any person whose pension may be commuted of any reversionary right to pension or compassionate allowance to which she or they may be entitled.

(3.) Where any officer whose pension has been commuted under this Act subsequently marries, his widow shall not be entitled to any pension, and no child of any officer whose pension has been commuted born after the date of such commutation shall be entitled to compassionate allowance.

(4.) No application for the commutation of a pension shall be received unless it be accompanied, in the case of an officer or person entitled to a pension out of the sums voted by Parliament to defray the charges of the army service, by a recommendation from the War Office, and, in the case of an officer or person entitled to a pension out of the sums voted by Parliament to defray the charges of the navy service, by a recommendation from the Admiralty.

Commutation board constituted.

5. There shall be constituted for the purpose of advising on the cases of applicants for commutation of pensions under this Act a board, in this Act called "the commutation board."

The commutation board shall consist of the Comptroller-General for the time being of the National Debt Office, and of four other persons who shall from time to time be appointed by the Treasury.

The Treasury may from time to time appoint, and remove, an actuary, medical referees, and such other officers or servants as

they may consider necessary, and may pay them such remuneration as they may think fit.

The commutation board shall inquire into and report to the Treasury upon the cases of applicants for commutation under this Act in such manner as the Treasury directs.

Payment of commutation monies.

6. The Commissioners for the Reduction of the National Debt, with the consent of the Treasury, may pay the amounts awarded as commutations of pensions out of any funds for the time being in their hands under the authority of the Act of the twenty-fourth year of the reign of Her present Majesty, chapter twenty-four, and the Act of the session of the twenty-sixth and twenty-seventh years of the same reign, chapter eighty-seven, or either of such Acts.

Power to Treasury to make regulations.

7. Subject to the provisions of this Act, the Treasury may from time to time make, alter, or revoke regulations as to the following matters:

(1.) The rules according to which applications for commutation are to be made or, on payment of a prescribed fee, to be withdrawn:

(2.) The tables according to which the duration of life of applicants for commutation is to be calculated for the purposes of this Act:

(3.) The terms upon which pensions are to be commuted, and the cases in which commutation is to be refused.

Monies paid for commutation of pensions to be repaid by annuities.

8. An account shall be made up annually of the amount paid by the Commissioners for the Reduction of the National Debt for the commutation of pensions in the navy service and in the army service of Her Majesty, and a terminable annuity shall be annually paid, out of the votes of Parliament upon which the respective pensions were chargeable previous to commutation, to the Commissioners for the Reduction of the National Debt of an amount sufficient to repay to the said Commissioners, at the expiration of ten years the amount advanced by them, together with interest thereon at a rate of not less than three and a half per centum per annum, and the amount of the annuity payable in respect of the commutation of pensions in the navy and army service shall be notified by a certificate under the hand of the actuary of the National Debt Office, in the case of the navy service to the Admiralty, and in the case of army service to the War Office.

Penalty on persons making false declarations.

9. If any applicant for commutation under this Act wilfully make any false declaration in relation to any matter or thing required by any regulation made in pursuance of this Act he shall be deemed to

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be guilty of a misdemeanor, and shall be liable on conviction to forfeit all claim to his pension or the value thereof, and to be imprisoned for any term not exceeding two years, with or without hard labour.

Deduction from salary to be made where pension-holder takes office.

10. If any pension-holder whose pension has been commuted in pursuance of this Act accepts any public employment, a deduction shall be made from the salary payable to him in respect of such employment equal to the amount which would have been abated from the pension if it had not been commuted.

Consolidated Fund to repay advances to Commissioners if necessary.

11. If at any time it appear desirable to the Treasury and to the Commissioners for the Reduction of the National Debt, having regard to the funds out of which the said Commissioners are authorized by this Act to pay the amounts awarded as commutations of pensions, that an issue in money should be made out of the Consolidated Fund in repayment of advances made from such funds the Treasury may, upon a certificate to that effect under the hands of the Comptroller-General, or Assistant Comptroller, acting under the Commissioners for the Reduction of the National Debt, issue to the said Commissioners out of the Consolidated Fund, or the growing produce thereof, such sum as may be named in such certificate.

Commutation annuities to be applied to repay issues from the Consolidated Fund.

12. When an issue has been made as aforesaid out of the Consolidated Fund in repayment of advances made by the Commissioners for the Reduction of the National Debt under this Act, the actuary of the National Debt Office shall certify to the said Commissioners the annual amount which should be applied for a term of years to be fixed by the Commissioners with the assent of the Treasury as the equivalent value of the amount so repaid to the said Commissioners, and the said Commissioners shall annually apply the amount so certified, for the fixed term of years, out of the monies to be paid to them from year to year in respect of commutations of pensions under this Act, to the purchase and cancelling of perpetual or other annuities, exchequer bills, bonds, bank advances, or other descriptions of debt, chargeable upon the Consolidated Fund, and the said actuary shall take the rate of interest at which the annual payments are to be made to the said Commissioners under this Act as the basis upon which the amount of the annual payments so to be applied are to be valued.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 33.

An Act to provide for the Collection of Judicial Statistics in Scotland. [26th July 1869.]

A.D. 1869.

WHEREAS it is expedient to make provision for the collection of the judicial statistics of Scotland, and for laying the same before Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Judicial Statistics (Scotland) Act, 1869."

Schedules to be returned by clerks of courts and other public officers.

2. The following persons, viz.,—first, the clerks of the several courts of law, and of all courts administering civil or criminal justice, and second, keepers of records and other persons receiving remuneration for performing public duties in the civil service of Her Majesty, shall and are hereby required to fill up and transmit to the department for the collection of judicial statistics, before the end of the month of March in each year, such schedules relative to the business transacted in their respective offices during the preceding year as, subject to the following conditions and regulations, they shall from time to time receive from the superintendent of the said department.

Forms of schedules to be certified.

3. Each such schedule shall be in a form which has been certified under the signature of Her Majesty's Advocate for Scotland as having been approved of by him, and each such form, with his signature attached thereto, shall be preserved in the chambers of the department for the collection of judicial statistics, where the same shall be patent to any clerk or other person who is bound to make a return under such form.

Provision for enforcement.

4. In case any person shall fail to fill up and return such schedule, or shall fail or neglect to do what is herein required of such person, or in case any obstruction shall arise in the execution of

A.D. 1869.

this Act, it shall be lawful for Her Majesty's Advocate for Scotland to apply by summary petition to the Court of Session; and in case any person shall consider himself aggrieved by anything that he is required to do under the provisions of this Act, it shall be lawful for him to apply by summary petition to the Court of Session; and in either case the court shall deal therewith according to the practice as to summary petitions, and shall do therein as may seem just and necessary for the execution of the purposes of this Act.

Period for rendering police reports under sect. 64. of 20 & 21 Vict. c. 72. altered.

5. The report on the particulars of the state of crime made by the sheriffs of counties and magistrates of burghs, in terms of an Act of the twentieth and twenty-first year of Her Majesty's reign, entitled "An Act to render more effectual the police in counties "and burghs in Scotland," shall, after such reports have been rendered for the year ending in September one thousand eight hundred and sixty-nine, cease to apply to the year ending in September, and shall thereafter apply to the year ending on the last day of December; and such reports for the year ending in December one thousand eight hundred and sixty-nine shall be transmitted to Her Majesty's Principal Secretary of State for the Home Department before the last day of March in the year one thousand eight hundred and seventy; and thereafter such reports for each year shall be so transmitted before the last day of March in the ensuing year.

Provision for Court of Session reports under sect. 104. of 31 & 32 Vict. c. 100. repealed.

6. Section 104 of the "Court of Session Act, 1868," which enacts that the clerks and other officers of the Court of Session shall make certain returns to Her Majesty's Advocate for Scotland, is hereby repealed.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 34.

An Act to amend the Law concerning the appointment of Deputies by Stipendiary Magistrates. [26th July 1869.]

A.D. 1869.

WHEREAS by the thirteenth section of an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-three, power is given to stipendiary magistrates, with the approval of the Secretary of State for the Home Department, to appoint a deputy for a time not exceeding six weeks in any consecutive period of twelve calendar months: 21 & 22 Vict. c. 73. s. 13.

And whereas it is expedient that such power should be extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 13 of recited Act repealed.

1. The said thirteenth section of the said Act is hereby repealed.

Power to stipendiary magistrates to appoint a deputy.

2. It shall be lawful for any stipendiary magistrate, or police magistrate, with the approval of the Secretary of State for the Home Department, to appoint a deputy, who shall have practised as a barrister-at-law for at least seven years, to act for him for any time or times not exceeding six weeks in any consecutive period of twelve calendar months, and, in case of sickness or unavoidable absence it shall be lawful for such stipendiary magistrate or police magistrate, with the approval of the Secretary of State for the Home Department, on each occasion of this power being exercised, to appoint a deputy, qualified as aforesaid, for any period not exceeding three calendar months at one time, and every such deputy during the time for which he shall be so appointed shall have all the powers and perform all the duties of the stipendiary magistrate for whom he shall have been so appointed.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 35.

An Act to amend "The Prisons (Scotland) Administration Act, 1860." A.D. 1869.

[26th July 1869.]

WHEREAS "The Lands Clauses Consolidation (Scotland) Act, 1845," is incorporated with "The Prisons (Scotland) Administration Act, 1860," as explained by the Act twenty-eighth and twenty-ninth Victoria, chapter eighty-four:

And whereas by the one hundred and sixteenth section of the said Lands Clauses Act it is provided that if no period be prescribed the powers of the promoters of the undertaking for compulsory purchase of lands for the purposes of the special Act shall not be exercised after the expiration of three years from the passing of the special Act, and it is expedient that the said provision should be excepted in so far as regards lands to be acquired for the purposes of the said Prisons Act: And whereas it is expedient that provision should be made for defraying the expense of maintaining prisoners under short sentences in places of detention, and of transmitting prisoners to local prisons:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exception of provision of Lands Clauses Act limiting time for compulsory purchase of lands.

1. The one hundred and sixteenth section of "The Lands Clauses Consolidation (Scotland) Act, 1845," is hereby excepted from the incorporation of that Act with "The Prisons (Scotland) Administration Act, 1860;" and the Commissioners of Her Majesty's Works and Public Buildings and any County or District Prison Board may at any time and from time to time, under the provisions of the said Acts and this Act, purchase, take, and acquire otherwise than by agreement lands adjoining or adjacent to any prison for the purpose of enlarging, improving, or isolating such prison; and any purchases of lands which may have been made

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under and for the purposes of the said Prisons Act previous to the passing of this Act are hereby sanctioned and confirmed; and the expression "the promoters of the undertaking" in the said Lands Clauses Act shall include any District Prison Board seeking to acquire lands under the said Prisons Act.

Expense of maintaining prisoners in places of detention may be paid by County or District Prison Board.

2. When any building or part of a building other than a local prison under the administration of a County or District Prison Board is or shall be a lawful place of detention for prisoners under short sentences, whether under the powers conferred by "The Summary Procedure Act, 1864," or in virtue of any public or local Act, the County or District Prison Board of the county or district in which such place of detention is situate may pay to the administrators of the police having charge of such place of detention, such sum or sums of money annually as such Board may think proper for or towards defraying the expense of maintaining the prisoners detained in such place of detention, and all monies so paid shall be charged on and defrayed out of the assessment for current expenses leviable by such board.

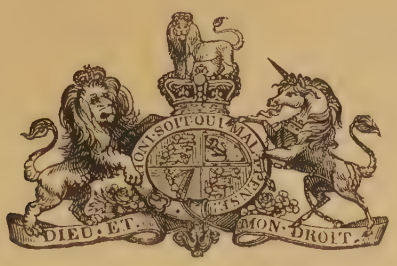
Expense of transmitting prisoners to local prisons may be paid by County or District Prison Board.

3. Any County or District Prison Board may defray out of the assessment for current expenses leviable by them, the expense of transmitting any person who may have been sentenced to imprisonment by any sheriff, magistrate of a burgh, or justice of the peace from the place where such sentence was pronounced to any local prison in the county in which such place is situate.

Short title.

4. This Act may be cited for all purposes as "The Prisons (Scotland) Amendment Act, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.



CHAP. 36.

An Act to amend the Court of Session Act, 1868, in so far as the exemption of Lighthouse Keepers and their assistants from serving on Juries is thereby abolished. A.D. 1869.

[26th July 1869.]

WHEREAS an Act was passed in the first and second years of Her present Majesty, chapter one hundred and nineteen, in the twenty-seventh section whereof it is, inter alia, enacted, that keepers of lighthouses and their assistants shall be freed and exempted from being returned and from serving upon juries; and another Act was passed in the thirty-first and thirty-second years of Her present Majesty, chapter one hundred, in the forty-third section whereof it is enacted, that "All exemptions from liability "to serve as jurors in Scotland depending on any Act passed "subsequently to the Act sixth George the Fourth, chapter twenty-"two, are hereby abolished," and it is expedient that the last-recited enactment, inasmuch as it abolishes the exemption of lighthouse keepers and their assistants, should be amended: 1 & 2 Vict. c. 119. 31 & 32 Vict. c. 100.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Lighthouse keepers and their assistants are hereby freed and exempted from being returned and from serving upon juries. Lighthouse keepers and assistants exempted from serving upon juries.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 37.

An Act to authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein. [26th July 1869.]

A.D. 1869.

WHEREAS the Court of Common Pleas of the county palatine of Lancaster is an ancient court, and has been found greatly beneficial to the inhabitants of the said county palatine, and it is expedient to amend the practice thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Chancellor to appoint district prothonotaries and assign districts.

1. The Chancellor of the duchy and county palatine of Lancaster for the time being may from time to time appoint, by writing under his hand, such competent persons as he shall think fit, to act as district prothonotaries of the said Court of Common Pleas of the said county palatine during good behaviour, and may assign a district to the persons so appointed, and every district prothonotary shall be paid by salary as herein-after provided.

Power to the Chancellor to appoint clerks to act within districts.

2. The Chancellor of the said duchy and county palatine for the time being may also from time to time appoint, by writing under his hand, such competent persons as he shall think fit to act during the pleasure of the said Chancellor for the time being as clerks for the efficient despatch of business within any district, and every person so appointed shall be paid such sum by way of salary or remuneration as herein-after provided.

Every district prothonotary to have an office within his district.

3. Every district prothonotary shall have an office in some convenient situation within his district, to be approved of by the Chancellor of the said duchy and county palatine for the time being, and the rent and taxes of and other expenses and outgoings connected with such office shall be paid as herein-after provided.

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Duties of district prothonotaries and clerks.

4. Each of the district prothonotaries and his clerk or clerks shall within his district discharge such of the duties and have and exercise such of the powers and authorities which heretofore have been discharged, or had and exercised by the prothonotary, as shall be assigned to him by the Chancellor of the said duchy and county palatine for the time being: Provided always, that the duties and powers and authorities of associate are to be discharged, had, and exercised by the prothonotary as they have been heretofore discharged, had, and exercised by the prothonotary or acting prothonotary of the said court.

Additional duties and powers to be discharged and exercised by district prothonotaries.

5. In addition to the duties and powers to be discharged and exercised by the respective district prothonotaries, within their respective districts, as herein-before mentioned, each of the said district prothonotaries shall, with reference to the business of the said court within the district to which he shall be so appointed, discharge all the duties and have and exercise all the powers which now are or may be at any time discharged or exercised by any master of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster; but every order made or process issued by virtue of this section shall be subject to appeal, and liable to be discharged as herein-after provided.

Power to the Chancellor to make and publish general rules.

6. It shall be lawful for the Chancellor of the said duchy and county palatine for the time being, with the advice and consent of the chief justice and one of the justices for the time being of the Court of Common Pleas at Lancaster, from time to time to make and publish general rules for the following purposes; that is to say,

1. For empowering the prothonotary or district prothonotary, or some one or more of them, to do any of such things, and to transact any of such business, and to exercise any of such authority and jurisdiction in respect of the Court of Common Pleas at Lancaster, as by virtue of any statute or custom, or by the rules and practice of Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas at Westminster, or any of them respectively, are now done, transacted, or exercised by a judge of the said courts sitting at chambers, and as shall be specified in any such rule; but every order made and thing done under this power shall be subject to appeal, and liable to be discharged as herein-after provided:

2. For regulating the attendance of the said prothonotary or district prothonotary at their respective offices, the course of practice to be there pursued, and the scale of costs to be there adopted:

3. For fixing, with the sanction of the Lords Commissioners of Her Majesty's Treasury, the table of fees to be taken in respect of business to be transacted before the prothonotary or district prothonotary, and for abolishing or altering from time to time (with the like sanction) such table of fees:

4. For providing for the hearing by one or more of the judges of the court, either within the county palatine or in London or Westminster, of any appeal or application to the court, or for the hearing of any demurrer or special case, or obtaining or hearing of any rule or order or application of or to the said court.

Matters referred to in preceding section may be heard and determined by superior courts at Westminster.

7. Any such matter as last aforesaid may be heard and determined by any of the superior courts at Westminster, either sitting in banco, or by any one of the judges of the said courts at chambers, when according to the practice of such court such matter would be heard by a single judge at chambers. Upon the hearing of any such matter the court or such superior court at Westminster or judge may make such order as to costs as may be just.

Rules to be published in London Gazette.

8. Every general rule to be made under this Act shall be published in the London Gazette within fourteen days at least before the day fixed for such rule coming into operation, and a copy of every such rule shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Rules to be laid before Parliament.

9. Every general rule to be made under this Act shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next session of Parliament.

Table of fees to be hung up in offices of prothonotaries.

10. A table of all fees for the time being authorized to be taken by the prothonotary or district prothonotary shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Duties and power of prothonotary.

11. The prothonotary shall continue to discharge and have and exercise the duties, powers, and authorities not expressly assigned to some district prothonotary; and the Chancellor of the said duchy

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and county palatine for the time being may from time to time assign a district to the prothonotary, within which he shall keep an office as herein-before provided with respect to every district prothonotary, and shall discharge the duties and have and exercise all the powers and authorities by this Act given to a district prothonotary.

No prothonotary or district prothonotary to practise or take fees.

12. It shall not be lawful for any prothonotary or district prothonotary, or his partner, during the time he shall hold and exercise his office, either directly or indirectly, by himself, his partner, clerk, or other person, to practise in the said court, either as attorney originally retained for any party in any matter pending in the said court, or as agent for any other attorney practising in the said court, nor to participate in any costs payable to any attorney in respect of any such matters; and any prothonotary or district prothonotary being proved to the satisfaction of the said Chancellor to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

Power to appoint deputy prothonotary.

13. In case of the illness or unavoidable absence of the prothonotary or district prothonotary, it shall be lawful for him from time to time to appoint by writing under his hand any fit person to be his deputy, and such deputy while acting under such appointment shall have all the powers and shall perform all the duties of such prothonotary or district prothonotary.

Seal to be provided.

14. A proper seal shall be provided for the use of each of the districts of the said court, whereon shall be engraved the name of the court, together with the name of the district for which the same shall be provided, and all writs of summons or other process and papers requiring the seal of the said court shall in future be stamped with the seal of the said court for the district within which the action or other proceeding shall be commenced or carried on, in lieu of the seal of the court with which the process of the court has heretofore been stamped.

How writs, judgments, rules, and orders to be enforced.

15. Every writ and judgment and every rule and order and process of the court shall and may be enforced in the same manner, and shall have the same effect, as if it were a writ, judgment, rule, or order or process of one of the superior courts at Westminster, and all sheriffs and others shall obey the same and act accordingly.

Prothonotary and district prothonotaries to make out account of fees, and have the same audited.

16. The prothonotary and every district prothonotary for the time being shall once in every year, or oftener if required by the Chancellor of the said duchy and county palatine for the time being, on such day as shall be appointed for that purpose by the auditor for the time being of the duchy of Lancaster, make out a full and true account of all fees received by him or them by virtue of his or their office, including the fees received by the prothonotary as associate as aforesaid, during the preceding year or subsequent to his last account, and shall have such account audited by such auditor for the time being, who is hereby required to audit the same, and if found correct, to allow the same by putting his signature thereto, and to a duplicate copy thereof.

Fees to be paid to "The Prothonotary's Fee Fund Account."

17. The prothonotary and every district prothonotary shall from time to time, when so required by the Chancellor for the time being of the said duchy and county palatine, pay over to the credit of "The Prothonotary's Fee Fund Account of the County Palatine of Lancaster," which account shall be kept at the Bank of England, all fees which shall be received by such prothonotary or district prothonotary in virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid, and every such prothonotary or district prothonotary shall give such security, by bond or otherwise as to the said Chancellor shall seem fit, for the due accounting for and payment of all fees for all sums of money which shall be received by such prothonotary or district prothonotary by virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid; the fees received by the prothonotary since the death of Sir Charles Phipps, and which shall remain in the prothonotaries hands on the twenty-fourth day of October next, shall be also paid to the aforesaid prothonotary fee fund account; any monies from time to time standing to such account may be invested, and such investments may from time to time be realized and got in, as circumstances may require, and the said Chancellor shall from time to time by any writing direct.

Payments to be made out of "The Prothonotary's Fee Fund Account."

18. There shall be paid out of "The Prothonotary's Fee Fund Account" such sums as shall be directed by the said Chancellor and sanctioned by the said Lords Commissioners for the rents and taxes of and all other expenses and outgoings connected with the offices to be kept in the several districts, as herein-before provided; and, secondly, there shall be paid out of the prothonotary's fee fund account to the prothonotary and the district prothonotaries and

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clerks for the time being such sum by way of salary or remuneration as the Chancellor for the time being of the said duchy and county palatine, with the sanction of the said Commissioners, shall from time to time by warrant under his hand authorize and direct.

No person to be entitled to compensation in case of alteration of duties, &c.

19. No person shall be entitled to any compensation in respect of the emoluments of any office under this Act in case any alteration shall be made in the duties thereof, or the same shall be abolished.

Costs of Act.

20. The costs of this Act shall be the first charge on and be paid out of the monies paid to "The Prothonotary's Fee Fund Account."

Short title.

21. This Act may be cited for all purposes as "The Common Pleas at Lancaster Amendment Act, 1869."

Act to commence 24th Oct. 1869.

22. This Act shall come into operation on the twenty-fourth day of October next.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 38.

An Act to facilitate the taking Special Bails in Civil Proceedings depending in the Superior Courts of Law at Westminster, and in Proceedings in Error and on Appeal. A.D. 1869.

[26th July 1869.]

WHEREAS it is expedient to increase the number of persons authorized to take special bails in actions and civil proceedings depending or to be depending in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, and in proceedings in error or on appeal arising out of any such actions or proceedings:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons authorized to take affidavits in common law courts may also take bails.

1. All persons empowered to take affidavits under any commission now issued or hereafter to be issued under the authority of the Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for taking affidavits in the country, "to be made use of in the Courts of King's Bench, Common Pleas, "and Exchequer," whether they are or are not attorneys or solicitors, shall and may exercise all the powers which by the Act passed in the fourth year of the reign of King William the Third and Queen Mary, intituled "An Act for taking special bails in the country "upon actions and suits depending in the Courts of King's Bench, "Common Pleas, and Exchequer at Westminster," and by the Act passed in the sessions of Parliament holden in the first and second years of our said lady the Queen, intituled "An Act to extend the "jurisdiction of the judges of the superior courts of common law, "to amend chapter fifty-six of the first year of Her present "Majesty's reign, for regulating the admission of attorneys, and "to provide for the taking of special bail in the absence of the "judges," are given to persons by the commissions issued under those Acts or either of them; and such of the enactments of the

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said Acts of the reigns of William and Mary and of Her present Majesty as are now unrepealed shall apply to commissions issued under the said Act of the reign of Charles the Second, and the persons empowered by those commissions, whether they are or are not attorneys or solicitors, in like manner and to the like extent as if the commissions issued under the said Act of Charles the Second were commissions issued under the said other Acts respectively. And the persons to whom commissions are issued under the said Act of the reign of Charles the Second, under the seal of the Court of Exchequer, may also take recognizances of every kind and all bail, as well in error as otherwise, on the revenue side of the Court of Exchequer, and the said Act of the reign of William and Mary, so far as the same is not repealed, shall apply and extend to the last-mentioned recognizances and bail when so taken.

Interpretation of "bail."

2. The word "bail" in the said Acts of the reigns of William and Mary, and Her present Majesty, as applied to this Act, shall include bail in error, and bail on any appeal arising out of any action or civil proceeding in any of the said courts.

Fees.

3. The commissioners empowered by this Act may demand and receive for any services the same fees as are payable to commissioners under the said Act of William and Mary for similar services, or such fees as the Treasury, with the approbation of any three judges of the superior courts of law at Westminster, may hereafter authorize to be taken.

Rules and practice.

4. The rules and practice of the said courts now in force or hereafter to be made relating to bail shall, so far as they are applicable, apply to all proceedings under this Act.

Attorneys not to exercise powers of this Act where interested.

5. No attorney or solicitor shall exercise any of the powers given by this Act in any proceeding in which he is the attorney or solicitor of any of the parties to that proceeding or in which he is interested.

Short title.

6. This Act may be cited as "The Bails Act, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 39.

An Act to make provision for the better government and administration of Hospitals and other endowed institutions in Scotland. [26th July 1869.]

A.D. 1869.

WHEREAS there are numerous hospitals and endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers, and trustees thereof from time to time to apply for and obtain from Parliament power and authority whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Managers, &c. may resolve to apply for a provisional order.

1. It shall be lawful for the governors, managers, or trustees of any hospital or other endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such hospital or institution and the application of the revenues thereof, whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended, and that an application shall be made to the Secretary of State for a provisional order.

Managers, &c. may present petition to Secretary of State.

2. On the foresaid resolution being carried, it shall be lawful for the said governors, managers, or trustees to present a petition to the Secretary of State, setting out such resolution, and stating under distinct heads or articles all facts or circumstances pertinent to such petition, and stating also the provisions for the better government and administration of such hospital or institution and the application of the revenues thereof which they

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desire to have sanctioned, and the reasons for which the said provisions are considered necessary or expedient for the purposes mentioned in the foresaid resolution. And upon receipt of any such petition as aforesaid, the Secretary of State may, if he shall think fit, direct such petition to be published in the Edinburgh Gazette in two consecutive numbers thereof, and in one or more papers published in the county where such institution is situated, with a view to further inquiry.

Sheriff of the county may be appointed to inquire, and report to Secretary of State.

3. The Secretary of State may, if he shall think fit, by writing under his hand appoint the sheriff of the county in which such institution is situate, either by himself or in conjunction with any other person to be also so appointed, to inquire into the said petition, and report thereon to the Secretary of State, and for the purposes of such inquiry the sheriff so appointed by the Secretary of State shall have power, after such public notice as he may think sufficient, to examine witnesses, and to call for such information from, and to require the production of such documents by, the governors, managers, and trustees aforesaid as he may consider necessary, and to do all such matters and things as may seem to him expedient for the purposes of the inquiry.

Power to Secretary of State to issue provisional order.

4. It shall be lawful for the Secretary of State to issue a provisional order under his hand and seal of office in relation to the several things mentioned in the foresaid petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

Provisional order to be laid before Parliament.

5. The provisional order aforesaid shall not have any effect or operation unless and until the same has, on the application of the governing body, been laid before both Houses of Parliament; and it shall be lawful for the Secretary of State, and he is hereby required as soon as conveniently may be, to cause such provisional order to be laid before both Houses of Parliament; and after such provisional order has lain forty days before Parliament, then, unless within such forty days an address has been presented by one or other of the said Houses, such provisional order shall come into operation.

Expenses to be a charge on funds of hospital.

6. All costs, charges, and expenses incurred by the Secretary of State in relation to any such provisional order as aforesaid shall, to such extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the funds of the hospital or endowed institution applying for such provisional order, and shall be repaid to the said Commissioners of Her Majesty's Treasury,

together with interest thereon at the rate of five per cent. per annum until the same shall be paid.

Interpretation of terms.

7. In this Act the words "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State, and the word "sheriff" shall mean the sheriff of and acting in the county of which he is sheriff, and shall include sheriff substitute and also steward and steward substitute.

Short title, and duration of Act.

8. This Act may be cited for all purposes as the Endowed Institutions (Scotland) Act, and shall be in force until the thirty-first day of December one thousand eight hundred and seventy-one: Provided that it shall be lawful for Her Majesty in Council, if special cause be shown, to continue this Act in force with respect to any hospital or endowed institution until the thirty-first day of July one thousand eight hundred and seventy-two.

Saving powers of governors, &c. and others under special Acts, &c.

9. Nothing herein contained shall be held to limit any of the powers presently enjoyed by any of the said governors, managers, or trustees under any special Act of Parliament or charter, or by the foundation grant of such hospital or other endowed institution.

As to the words "endowed institution."

10. The words endowed institution in this Act shall extend to and include any mortifications or bequests of money in the hands of trustees for educational or charitable purposes.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 40.

An Act to exempt from rating Sunday and Ragged Schools. A.D. 1869.
[26th July 1869.]

WHEREAS for many years and until lately buildings used as Sunday and Ragged Schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

From 30th Sept. 1869 Sunday and Rag ged Schools may be exempted from rates for relief of poor, &c.

1. From and after the thirtieth day of September one thousand eight hundred and sixty-nine every authority having power to impose or levy any rate upon the occupier of any building or part of a building used exclusively as a Sunday School or Ragged School may exempt such building or part of a building from any rate for any purpose whatever which such authority has power to impose or levy: Provided, that nothing in this Act contained shall prejudice or affect the right of exemption from rating of Sunday or Infant Schools, or for the charitable education of the poor in any churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, by virtue of an Act passed in the third and fourth years of the reign of King William the Fourth, chapter thirty, intituled "An Act to exempt "from poor and church rates all churches, chapels, and other "places of religious worship."

Interpretation of terms

2. A "Sunday School" shall mean any school used for giving religious education gratuitously to children and young persons on Sunday, and on week days for the holding of classes and meetings in furtherance of the same object, and without pecuniary profit being derived therefrom.

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A "Ragged School" shall mean any school used for the gratuitous education of children and young persons of the poorest classes, and for the holding of classes and meetings in furtherance of the same object, and without any pecuniary benefit being derived therefrom except to the teacher or teachers employed.

Extent of Act.

3. This Act shall not extend to Ireland.

Short title.

4. This Act may be cited as the "Sunday and Ragged Schools (Exemption from Rating) Act, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 41.

An Act for amending the Law with respect to the rating of Occupiers for short terms, and the making and collecting of the Poor's Rate. [26th July 1869.]

A.D. 1869.

WHEREAS it is expedient to amend the law relating to the collection of poor rates assessed upon occupiers of hereditaments held for short terms, and to the making and collecting of the poor rate:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Occupiers of tenements let for short terms may deduct the poor rate paid by them from their rents.

1. The occupier of any rateable hereditament let to him for a term not exceeding three months shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

Amount of rate payable by occupier.

2. No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year.

Owners may agree to pay the rate, and be allowed a commission.

3. In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situate in the metropolis, or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere, and the owner of such hereditament is willing to enter into an agreement in writing with the overseers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied

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or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof.

Vestries may order the owner to be rated instead of the occupier.

4. The vestry of any parish may from time to time order that the owners of all rateable hereditaments to which section three of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments, instead of the occupiers, on all rates made after the date of such order; and thereupon and so long as such order shall be in force the following enactments shall have effect:

1. The overseers shall rate the owners instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate:
2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated:
3. The vestry may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect:

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling house shall not be included.

Owners omitting to pay rates before the fifth day of June to forfeit commission.

5. When an owner who has become liable to pay the poor rate omits or neglects to pay, before the fifth day of June in any year, any rate or any instalment thereof which has become due previously to the preceding fifth day of January, and has been duly demanded by a demand-note delivered to him or left at his usual or last known place of abode, he shall not be entitled to deduct or receive any commission, abatement, or allowance to which he would, except for such omission or neglect, be entitled under this Act, but shall be liable to pay, and shall pay, such rate or instalment in full.

Repeal of 13 & 14 Vict. c. 99., &c., so far as

6. The statute thirteenth and fourteenth Victoria, chapter ninety-nine, with respect to the rating of small tenements, and so much of any local statute as relates to the rating of owners instead of

occupiers, are hereby repealed, so far as the same apply to any poor rate made after this Act comes into operation.

the same apply to the poor rate.

7. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate.

Constructive payment of the rate.

8. Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

Where owners omit to pay rates, the occupiers paying the same may deduct the amount from the rent.

9. Every owner who agrees with the overseers to pay the poor rate, or who is rated or liable to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

Owners to give lists of occupiers, and liable to penalty for wilful omission.

10. Section twenty-eight of "The Representation of the People Act, 1867," with respect to notice to be given of rates in arrear, shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

Notice to occupiers of rates in arrear.

11. Where the owner has become liable to the payment of the poor rates, the rates due from him, together with the costs and charges of levying and recovering the same, may be levied on the goods of the owner, and be recovered from him in the same way as poor rates may be recovered from the occupier.

Liability of owner under agreement.

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Recovery of rates unpaid by the owner.

12. Notwithstanding the owner of any such rateable hereditament as aforesaid has become liable for payment of the poor rates assessed thereon, the goods and chattels of the occupier shall be liable to be distrained and sold for payment of such rates as may accrue during his occupation of the premises, at any time whilst such rates remain unpaid by the owner, subject to the following provisions:

1. That no such distress shall be levied unless the rate has been demanded in writing by the overseers from the occupier, and the occupier has failed to pay the same within fourteen days after the service of such demand:
2. That no greater sum shall be raised by such distress than shall at the time of making the same be actually due from the occupier for rent of the premises on which the distress is made:
3. That any such occupier shall be entitled to deduct the amount of rates for which such distraint is made, and the expense of distraint, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid.

Owner may appeal against valuation list and rate.

13. Every owner of any hereditament for the rates of which he has become liable shall have the same right of appeal (subject to the same conditions and consequences) against the valuation lists and the poor rates as if he were the occupier thereof.

The overseer to state the period for which poor rate is made.

Proviso.

14. The overseers of every parish when they make a poor rate shall set forth in the title of the rate the period for which the same is estimated, and if the same is payable by instalments the amount of each instalment and the date at which each instalment is payable; provided that if the necessities of the parish shall require it another rate may be made before such period shall have elapsed.

Overseers may make poor rate payable by instalments.

15. The overseers who make the poor rate for a period exceeding three months may declare that the same shall be paid by instalments at such times as they shall specify, and thereupon each instalment only shall be enforceable as and when it falls due, and the payment of any such instalment shall, as respects any qualification or franchise depending upon the payment of the poor rate, be deemed a payment of such rate in respect of the period to which such instalment applies.

Provision for successive occupiers, and for occu-

16. If the occupier assessed in the rate when made shall cease to occupy before the rate shall have been wholly discharged, or if the hereditament being unoccupied at the time of the making of the

rate become occupied during the period for which the rate is made, the overseers shall enter in the rate book the name of the person who succeeds or comes into the occupation, as the case may be, and the date when such occupation commences, so far as the same shall be known to them, and such occupier shall thenceforth be deemed to have been actually rated from the date so entered by the overseer, and shall be liable to pay so much of the rate as shall be proportionate to the time between the commencement of his occupation and the expiration of the period for which the rate was made, in like manner, and with the like remedy of appeal, as if he had been rated when the rate was made; and an outgoing occupier shall remain liable in like manner for so much and no more of the rate as is proportionate to the time of his occupation within the period for which the rate was made; and the twelfth section of the statute 17 Geo. 2. c. 38. shall be repealed.

piers coming into unoccupied hereditaments.

17. A poor rate shall be deemed to be made on the day when it is allowed by the justices, and if the justices sever in their allowance then on the day of the last allowance.

When the poor rate shall be deemed to be made.

18. The production of the book purporting to contain a poor rate, with the allowance of the rate by the justices, shall, if the rate is made in the form prescribed by law, be primâ facie evidence of the due making and publication of such rate.

Evidence of making and publication of rates.

19. The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds; provided that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.

Overseers to insert names of all occupiers in the rate.

Penalty for omission.

Saving of franchises.

20. The word "overseer" shall include every authority that makes an assessment for the poor rate; the words "poor rate" shall

Interpretation of terms.

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mean the assessment for the relief of the poor, and for the other purposes chargeable thereon according to law, and in the metropolis shall extend to every rate made by the overseers, and chargeable upon the same property as the poor rate; the word "owner" shall mean any person receiving or claiming the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent; the word "parish" shall signify every place for which a separate overseer can be appointed; the word "vestry" shall include not only the vestry of a parish existing under the authority of some general or special Act of Parliament, or by special custom or otherwise, but also the meeting of the inhabitants of any township, vill, or place having a separate overseer, and for which a separate poor rate is made, held after notice given in like manner as is required by law in regard to the meetings of vestries; and the word "metropolis" shall include only the metropolis as defined by the Metropolis Management Act, 1855.

Application of Act.

21. This Act shall not extend to Scotland or to Ireland.

Short title. Commencement of Act.

22. This Act may be cited as "The Poor Rate Assessment and Collection Act, 1869," and shall come into operation on the twenty-ninth of September one thousand eight hundred and sixty-nine: Provided that the vestry of any parish may before that day order that the owners shall be rated instead of the occupiers under this Act, but no such order shall take effect until after the said twenty-ninth day of September one thousand eight hundred and sixty-nine.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 42.

An Act to put an end to the Establishment of the Church of Ireland, and to make provision in respect of the Temporalities thereof, and in respect of the Royal College of Maynooth. [26th July 1869.]

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WHEREAS it is expedient that the union created by Act of Parliament between the Churches of England and Ireland, as by law established, should be dissolved, and that the Church of Ireland, as so separated, should cease to be established by law, and that after satisfying, so far as possible, upon principles of equality as between the several religious denominations in Ireland, all just and equitable claims, the property of the said Church of Ireland, or the proceeds thereof, should be applied in such manner as Parliament shall hereafter direct:

And whereas Her Majesty has been graciously pleased to signify that she has placed at the disposal of Parliament her interest in the several archbishoprics, bishoprics, benefices, cathedral preferments, and other ecclesiastical dignities and offices in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Irish Church Act, 1869."

Dissolution of legislative union between Churches of England and Ireland.

2. On and after the first day of January one thousand eight hundred and seventy-one the said union created by Act of Parliament between the Churches of England and Ireland shall be dissolved, and the said Church of Ireland, herein-after referred to as "the said Church," shall cease to be established by law.

Constitution and Powers of Commissioners.

Appointment of Commissioners.

3. The following persons, that is to say, Viscount Monck, Right Honourable James Anthony Lawson, one of the justices of

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the Court of Common Pleas in Ireland, and George Alexander Hamilton, Esquire, shall be constituted Commissioners under this Act: they shall hold office during Her Majesty's pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by warrant under the royal sign manual, appoint some other fit person, being a member of either of the said Churches or of the said United Church, to fill the vacancy. The Commissioners appointed under this Act shall be a body corporate with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The Commissioners of Church Temporalities in Ireland."

Judicial notice shall be taken by all courts of justice of the corporate seal of the Commissioners, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

Quorum of Commissioners.

4. Any power or act by this Act vested in or authorized to be done by the Commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one Commissioner may require his case to be heard by the three Commissioners.

Appointment of officers.

5. The said Commissioners, herein-after referred to as "the Commissioners," may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and may appoint and remove such officers, agents, clerks, and messengers as they deem necessary for the purposes of this Act.

They may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act.

Salaries and expenses.

6. The following sums shall be paid by the Commissioners out of any monies for the time being in their hands in pursuance of this Act:

(1.) To every Commissioner appointed in pursuance of this Act a salary of not exceeding two thousand pounds a year:

(2.) To the secretary, officers, agents, clerks, and messengers appointed, such salaries as the Commissioners may recommend, with the sanction of the Lord Lieutenant, and as the Commissioners of Her Majesty's Treasury may approve:

(3.) To any architect, actuary, surveyor, or other person as aforesaid employed by the Commissioners, such remuneration, on a scale to be approved by the Commissioners of the Treasury, as the Commissioners may think expedient:

(4.) All incidental expenses of carrying this Act into execution, which shall be taken to include the reimbursement to every claimant of all reasonable costs and expenses properly incurred by him in establishing any claim under this Act. A.D. 1869.

Powers of Commissioners.

7. Subject to such appeal as is herein-after mentioned, the Commissioners shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The Commissioners with respect to the following matters, that is to say,

(1.) Enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents;

(2.) Issuing any commission for the examination of witnesses;

(3.) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court;

(4.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act,

shall have all such powers, rights, and privileges as are vested in the High Court of Chancery in Ireland for such or the like purposes, and all proceedings before the Commissioners shall in law be deemed to be judicial proceedings before a court of record.

The Commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as herein-after provided, every order or decision of the said Commissioners shall be final.

Forms of application, and general rules.

8. The Commissioners shall circulate forms of application and directions as to the mode in which applications are to be made to them under this Act.

They shall also from time to time make, and when made may rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act, and giving effect to the provisions: Provided that every such general rule shall be laid before Her Majesty's Privy Council of Ireland, and it shall be lawful for such Privy Council, by

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order signed by six of the said Privy Council, to confirm or disallow any such rule, or to alter or amend, and confirm with alteration or amendment, any such rule, or to remit any such rule to the Commissioners for further consideration; and every such general rule (when the same shall have been confirmed by order of the said Privy Council) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the Commissioners in the exercise of their powers, and shall be of the same force and effect as if the same had been enacted by authority of Parliament; provided always, that any rules so confirmed and enrolled as aforesaid may from time to time be rescinded, amended, or altered, as occasion may require, by other rules made by the Commissioners, and confirmed and enrolled in like manner.

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

Duration of office, and restriction on sitting in Parliament.

9. No commissioner and no person appointed to any office by the Commissioners shall hold his office for a longer period than ten years next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

Transfer of Property and Dissolution of Ecclesiastical Corporations.

Prohibition of future appointments.

10. Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty or any other person or corporation by virtue of any right of patronage or power of appointment now existing to any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church.

Property of Ecclesiastical Commissioners vested in Commissioners under this Act.

11. From and after the passing of this Act all property, real and personal, at the date of such passing vested in or belonging to the Ecclesiastical Commissioners for Ireland, is transferred to and vested in the Commissioners appointed under this Act, subject to all tenancies, charges, incumbrances, rights (including tenants rights of renewal), or liabilities affecting the same, and the corporation of the Ecclesiastical Commissioners for Ireland is hereby dissolved.

Church property vested in Commissioners under this Act.

12. On the first of January one thousand eight hundred and seventy-one, save as herein-after provided, all property, real and personal, belonging or in anywise appertaining to or appropriated to

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the use of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any cathedral corporation in Ireland, as defined by this Act, shall vest in the Commissioners, subject as herein-after mentioned; that is to say,

(1.) In case of all such property, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:

(2.) In the case of any houses, buildings, farms, lands, churches, burial grounds, or other corporeal hereditaments to which, or to the rent and profits of which, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid may be entitled, subject to the life interests of such archbishop, bishop, or person respectively; and such last-mentioned corporeal hereditaments shall, subject to the provision for commutation herein-after contained, continue in such archbishop, bishop, or person respectively for their respective lives with the same powers, rights, and authorities and in the same manner as if this Act had not passed:

(3.) On the death or cessor of the interest of any archbishop or bishop aforesaid the tenants then holding directly under any such archbishop or bishop where leases had been theretofore customarily renewable shall have similar rights of renewal of their said leases, and the said Commissioners shall be under similar obligations and have similar powers and rights in relation to such renewals, and the rents and fines thereupon, as the tenants of sees suppressed under statute third and fourth William the Fourth, chapter thirty-seven, and as the Ecclesiastical Commissioners in regard thereto had and were under respectively immediately before the passing of statute twenty-third and twenty-fourth Victoria, chapter one hundred and fifty: every application for any such renewal shall be made within one year from the death or cessor of the interest of such archbishop or bishop, and thereupon the Commissioners shall once and for ever fix for the future the rent and periods of renewal and the fine to be paid thereupon, and in case of any difference in relation to such rent or fine the same shall be referred to arbitration as herein.

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Dissolution of ecclesiastical corporations, and cessation of right of bishops to sit in House of Lords.

13. On the said first of January one thousand eight hundred and seventy-one every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland, as defined by this Act, shall be dissolved, and on and after that day no archbishop or bishop of the said Church shall be summoned to or be qualified to sit in the House of Lords as such; provided that every present archbishop, bishop, dean, and archdeacon of the said Church shall during his life enjoy the same title and precedence as if this Act had not passed.

Compensation to Persons deprived of Income.

Compensation to ecclesiastical persons other than curates.

14. The Commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes, salaries of curates found by the Commissioners on inquiry as authorized by the fifteenth section of this Act to be permanent curates, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law, but not deducting income or property tax, and the commissioners shall have regard to the prospective increase (if any) of such income by the falling in or cessation of charges thereon; and the Commissioners shall, as from the first day of January one thousand eight hundred and seventy-one, pay each year to every such holder so long as he lives and continues to discharge such duties in respect of his said archbishopric, bishopric, benefice, or preferment as he was accustomed to discharge, or would, if this Act had not passed, have been liable to discharge, or any other spiritual duties in Ireland which may be substituted for them, with his own consent, and with the consent of the representative body of the said Church hereinafter mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid: Provided that no deduction shall, in the case of any incumbency, be made in respect of a curate's salary under this section unless a deduction for curate's salary has been made in the case of the same incumbency by the Ecclesiastical Commissioners for Ireland during five years next preceding the first day of January one thousand eight hundred and sixty-nine; and provided always, that where deduction has been made under this section in respect of the salary of a curate, and the salary of such curate ceases otherwise than by commutation under this Act in the lifetime of the person in ascertaining whose

yearly income such salary has been deducted as aforesaid, the Commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation herein-after contained.

Compensation to curates.

15. The Commissioners shall inquire whether any curate, serving as such at any time between the first day of January one thousand eight hundred and sixty-nine and first day of January one thousand eight hundred and seventy-one, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity, or other incapacity of the incumbent, or his habit of employing a curate. The Commissioners shall ascertain and declare by order the amount of yearly income received by any such permanent curate, and shall pay to every such curate so long as he lives and continues to discharge the duties of his said curacy, or any other spiritual duties in Ireland, which with his own consent and with the consent of the Church body herein-after mentioned may be substituted for them, or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default, an annuity commencing on the first day of January one thousand eight hundred and seventy-one equal to the amount of such yearly income, or shall on the application of such curate, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, and with the consent of the Church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such curate or to such curate and Church body in such proportions as they shall agree: Provided that where the salary of a curate has been deducted under section fourteen from the income of any incumbent, such curate shall be deemed to be a permanent curate within the meaning of this section; and no commutation of his salary, and no change in his duties for the purposes of this Act, shall be made without the consent of the incumbent from whose income the salary of such curate has been deducted.

The Commissioners may make to any curate who is not entitled to compensation as a permanent curate, and who is serving as a curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the said first day of January one

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thousand eight hundred and seventy-one, both inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount thereof do not exceed twenty-five pounds for every year during which he shall have served as a curate: Provided always, that in any case in which the period of service of any curate shall not amount to eight years, the Commissioners may make up such gratuity to the sum of two hundred pounds: Provided also, that such gratuity shall in no case exceed the sum of six hundred pounds.

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued, the Commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after making such deductions as aforesaid, and the Commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge such duties as aforesaid an annuity equal to the amount of yearly income so ascertained as aforesaid.

Compensation to diocesan and district schoolmasters, clerks, sextons, &c.

16. The Commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars:

(1.) The amount of yearly salary which each schoolmaster of any diocesan or district school in Ireland is entitled to receive under any warrant of the Lord Lieutenant in Council made under the provisions of the Act of the session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory amendment thereof:

(2.) The amount of yearly salary which each clerk, sexton, or other holder of a freehold office of a similar character, or of any office held during good behaviour which the Commissioners may think equal to a freehold office, connected with any cathedral, parish, chapelry, and chapel of ease in Ireland, is entitled to receive, and of the emoluments of which he will be deprived by this Act:

and the Commissioners shall every year, after the first of January one thousand eight hundred and seventy-one, pay to each such diocesan schoolmaster, clerk, sexton, and officer respectively, so long as he lives and continues to perform the duties of his office personally or by sufficient deputy in the same school, cathedral, church, or chapel, or, in the case of a clerk, sexton, or officer of the said church, any duties of the same kind which shall be assigned to

him by the representative body of the Church herein-after mentioned, and which he will agree to perform, an annuity equal to the amount of his yearly salary and emoluments so ascertained as aforesaid, or shall, on the application of such annuitant, being a clerk, sexton, or officer of the said church, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, and with the consent of the Church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such annuitant, or to such annuitant and Church body, in such proportions as they shall agree: Provided that no commutation shall be made of the salary of an annuitant, being a sexton, clerk, or other officer as aforesaid, without the consent of the ecclesiastical person under whom such sexton, clerk, or officer may be serving at the time of the application being made for commutation.

Compensation to persons not included in preceding section.

17. The Commissioners shall pay to any person holding an appointment in or connected with any church or chapel in the said Church, and not entitled to compensation under the preceding section, and who has held such office for two years before the first day of January one thousand eight hundred and seventy-one, and is holding the same on the said day, such sum by way of gratuity, not exceeding one year's salary, as they think fit; and where the said Commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said Commissioners under this Act, they may pay to any such person such further sum by way of compensation, either by a single payment or by a life annuity, as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine.

Compensation to lay patrons.

18. The Commissioners shall, as soon as may be after the passing of this Act, ascertain and by order declare the amount of compensation which ought to be paid to any person or body corporate who or which shall within three years therefrom make application in writing to this effect for or in respect of any advowson, right of presentation or nomination to any benefice or cathedral preferment, vested in or belonging to such person or body corporate, and affected by the provisions of this Act, and shall by and out of any monies for the time being in their hands pay to such person or body corporate the amount of such compensation so ascertained and declared as aforesaid; but Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any

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trustees, officers, or persons acting in a public capacity, be entitled to compensation for or in respect of any advowson, right of presentation or nomination to any benefice or cathedral preferment vested in or belonging to Her Majesty or such corporation, trustees, officers, or persons: Provided always, that where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the passing of this Act any such advowson or right of presentation vested in him, he shall be entitled to compensation for such advowson or right of presentation in the same manner as if the same were then actually vested in such person.

Powers of Church after passing of Act.

Repeal of laws prohibiting holding of synods, &c.

19. From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom whereby the archbishops, bishops, clergy, or laity of the said Church are prohibited from holding assemblies, synods, or conventions, or electing representatives thereto, for the purpose of making rules for the well-being and ordering of the said Church; and nothing in any Act, law, or custom shall prevent the bishops, the clergy, and laity of the said Church, by such representatives, lay and clerical, and to be elected as they the said bishops, clergy, and laity shall appoint, from meeting in general synod or convention, and in such synod or convention framing constitutions and regulations for the general management and good government of the said Church, and property and affairs thereof, and the future representation of the members thereof in diocesan synods, general convention, or otherwise.

Existing law to subsist by contract.

20. The present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, with and subject to such (if any) modification or alteration as after the first day of January one thousand eight hundred and seventy-one may be duly made therein according to the constitution of the said Church for the time being, shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had mutually contracted and agreed to abide by and observe the same, and shall be capable of being enforced in the temporal courts in relation to any property which under and by virtue of this Act is reserved or given to or taken and enjoyed by the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly given, granted, or conveyed

upon trust to be held, occupied, and enjoyed by persons who should observe and keep and be in all respects bound by the said ecclesiastical law, and the said articles, doctrines, rites, rules, discipline, and ordinances of the said Church, subject as aforesaid; but nothing herein contained shall be construed to confer on any archbishop, bishop, or other ecclesiastical person any coercive jurisdiction whatsoever: Provided always, that no alteration in the articles, doctrines, rites, or, save in so far as may be rendered necessary by the passing of this Act, in the formularies of the said Church, shall be binding on any ecclesiastical person now licensed as a curate or holding any archbishopric, bishopric, benefice, or cathedral preferment in Ireland, being an annuitant or person entitled to compensation under this Act, who shall within one month after the making of such alteration signify in writing to the Church body hereafter mentioned his dissent therefrom, so as to deprive such person of any annuity or other compensation to which under this Act he may be entitled. A.D. 1869.

Abolition of ecclesiastical courts and ecclesiastical law.

21. On and after the first day of January one thousand eight hundred and seventy-one all jurisdiction, whether contentious or otherwise, of all the ecclesiastical, peculiar, exempt, and other courts and persons in Ireland at the time of the passing of this Act having any jurisdiction whatsoever exerciseable in any cause, suit, or matter, matrimonial, spiritual, or ecclesiastical, or in any way connected with or arising out of the ecclesiastical law of Ireland, shall cease; and on and after the said first day of January one thousand eight hundred and seventy-one the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, shall be repealed, and on and after the last-mentioned day the ecclesiastical law of Ireland, except in so far as relates to matrimonial causes and matters, shall cease to exist as law.

Incorporation of Church body.

22. If at any time it be shown to the satisfaction of Her Majesty that the bishops, clergy, and laity of the said Church in Ireland, or the persons who, for the time being, may succeed to the exercise and discharge of the episcopal functions of such bishops, and the clergy and laity in communion with such persons, have appointed any persons or body to represent the said Church, and to hold property for any of the uses or purposes thereof, it shall be lawful for Her Majesty by charter to incorporate such body, with power, notwithstanding the statutes of mortmain, to hold lands to such extent as is in this Act provided, but not further or otherwise.

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Dealings between Commissioners and representative Church body.

Redemption of annuities and life interest of ecclesiastical persons.

23. In the event of a representative corporate body, herein-after referred to as "the representative body of the said Church," being constituted in pursuance of this Act to represent the said Church, any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid, or any curate entitled to an annuity under this Act, may after the first day of January one thousand eight hundred and seventy-one apply to the Commissioners to commute his annuity and the value of his life interest, if any, in any ecclesiastical property held by him in pursuance of this Act, exclusive of any income derived from pew rents and burial fees, for a capital sum; and the Commissioners, if satisfied that such annuity and life interest is unincumbered, or, if incumbered, that the incumbrancers consent to the commutation, and that the said representative body assent to such commutation, and also, in the case of a curate, that the incumbent (if any) from whose income the salary of such curate has been deducted as aforesaid assents, shall cause the then present value of such annuity and also of such life interest, exclusive as aforesaid, to be estimated, and shall pay the amount of such estimated value to the representative body of the said Church charged with the payment of the annuity in respect of which the capital sum is paid, so long as the annuitant requires such payment to be made, but with power to the representative body of the said Church to make such arrangements in respect of the commuted value of the annuity with the annuitant, and as to the disposal of such portion thereof as shall after such arrangements be applicable to Church purposes, as shall to such body seem fit; and upon such capital sum being paid, the annuity of such applicant shall cease, and all the estate and interest of the said applicant in any such ecclesiastical property as aforesaid shall vest in the Commissioners.

Any person having a life interest in ecclesiastical property in pursuance of this Act, although not the recipient of an annuity, shall be deemed to be an annuitant for the purposes of this section, and such life interest may be valued and commuted accordingly; provided that the value of the life interest in any ecclesiastical property of the said Church shall include the benefit (if any) derived from fines paid on the renewal of leases, on an average of fourteen years preceding the first of January one thousand eight hundred and sixty-nine; and the Commissioners shall at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-three, but not afterwards, if it appears to them,

as respects any diocese or united dioceses in Ireland, as the case may be, or as respects any Protestant nonconforming body or communion, that not less than three fourths of the whole number of ecclesiastical persons in such diocese or united dioceses, or of the whole number of the ministers of such body or communion authorized to commute under this Act, have commuted or agreed to commute their life interests, pay in addition to the monies otherwise payable by them a sum equal to twelve pounds in the hundred on the commutation money payable in respect of each life interest, such addition to be disposed of in the same manner as the commutation money in respect of which it is added.

Building charge to be paid on commutation of annuity.

24. When any annuity is commuted as aforesaid, the Commissioners shall, as soon as may be, ascertain and by order declare the amount of any building charge to which the archbishop, bishop, incumbent, or person holding such cathedral preferment, and theretofore entitled to such annuity as aforesaid, or any person or persons claiming through or under him, may be entitled, after deducting such sum or sums of money (if any) as the Commissioners may ascertain and declare to be just in respect of any dilapidations or want of proper repair in any of the buildings subject to such charge, and the Commissioners shall thereupon pay to such archbishop, bishop, or person holding such benefice or cathedral preferment, or any person or persons claiming as aforesaid (as the case may be), the principal sum (if any) so ascertained and declared to be payable to him or them in respect of such building charge as aforesaid.

Enactments with respect to churches.

25. The following enactments shall be made with respect to churches vested in the Commissioners under this Act:

(1.) Where any church or ecclesiastical building or structure appears to the Commissioners to be ruinous, or if a church to be wholly disused as a place of public worship, and not suitable for restoration as a place of public worship, and yet to be deserving of being maintained as a national monument by reason of its architectural character or antiquity, the Commissioners shall by order vest such church, building, or structure in the secretary of the Commissioners of Public Works in Ireland, to be held by such secretary, his heirs and assigns, upon trust for the Commissioners of Public Works, to be preserved as a national monument, and not to be used as a place of public worship, and the Commissioners shall ascertain and by order declare what sum is in their judgment required for maintaining as national

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monuments the churches, buildings, and structures so vested, and shall pay such sum accordingly to the said secretary, to be held upon trust for the said Commissioners, and to be applied by them in maintaining the said churches, buildings, and structures:

(2.) Where any church is in actual use at the time of the passing of this Act, and the representative body of the said church, at any time within six months after the first of January one thousand eight hundred and seventy-one, apply to the Commissioners stating that they require such church for religious purposes, or for the purpose of taking the same down and erecting or enlarging another church or churches in lieu thereof, the Commissioners shall by order vest the church in the said representative body of the said Church, subject to any life estate or interest that is existing therein:

(3.) Where any church was in use at the time of the passing of this Act, and no application in respect thereof is made by the said representative body of the said Church within the said prescribed period, and such church was erected at the private expense of any person, the Commissioners shall, on the application of the person who erected such church, if alive, or of his representatives if he died since the year one thousand eight hundred, by order vest such church in the applicant or applicants, or in such person or persons as he or they may direct:

(4.) Where any church vested in the Commissioners under this Act is not disposed of under the preceding sections, the Commissioners shall dispose of such church and the site thereof in such manner as they think expedient:

(5.) Where any church is vested in the representative body of the said Church by order of the Commissioners, any schoolhouse belonging thereto or used in connexion therewith, together with any land occupied with such schoolhouse, and by this Act vested in the Commissioners, shall be included in the said order:

(6.) No vesting order made under this section shall prejudice or affect the right of any person or persons to any vault or other place of burial within any church or ecclesiastical building, and every such vesting order shall be deemed to be subject thereto, and to all such other rights of sepulture therein as may be subsisting at the date of such order.

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26. The following enactments shall be made with respect to burial grounds vested in the Commissioners:

Enactments with respect to burial grounds.

(1.) Where any church vested in the representative body of the said Church has a burial ground annexed or adjacent thereto, but not separated therefrom by any carriage highway, or that has been granted by a private donor to, or exclusively used by, the parishioners attending the said church, such burial ground shall be included with the church in the order made by the Commissioners, subject to any life estate or interest subsisting therein, and pass to the said representative body accordingly, but without prejudice to such rights of or in respect of burial as may be subsisting therein, or may be thereafter declared to subsist therein by Act of Parliament; or the Commissioners shall, at the option of the said representative body, vest such burial ground in the guardians of the poor law union within which the same may be situate, subject to a right of way in the said representative body, and the clergy and congregation attending the said church, and such other persons as may resort thereto for the purpose of divine worship, or for the purpose of repairing the said church, or for any other lawful purpose; and such guardians shall not allow any funeral to take place during the usual time of the ordinary services in the said church, and shall make such other regulations as may be found necessary from time to time to prevent any interference by persons attending funerals with the clergy or congregation attending the said church, and shall keep the wall or other fence, and the gates or doors of, and any road or path through, such burial ground to the church situate therein in good and sufficient repair, and shall, as far as may be consistently with the provisions herein-before contained, hold such burial ground for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of "The Burial Act (Ireland), 1856," and the statutory amendments thereof, for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament:

(2.) Where any church conveyed to the secretary to the Commissioners of Public Works for Ireland as aforesaid has a

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burial ground annexed or adjacent thereto, and also in every case other than those herein-before provided for in which a burial ground is vested in the Commissioners under this Act, unless such burial ground is in any private park, demesne, or ornamental grounds, the Commissioners shall vest such burial ground in the guardians of the poor of the poor law union within which the same may be situate, to be held by such guardians for the same purposes, and subject to the same rules and regulations, as if such burial ground were a burial ground purchased or taken by such guardians, being a burial board under the provisions of the Burial Act (Ireland), 1856, and the statutory amendments thereof, for the time being, but without prejudice to such rights of burial as may be subsisting therein at the date of such order, or may thereafter be declared to subsist therein by Act of Parliament; and the Commissioners may, in the case of burial grounds situate in private parks, demesnes, or ornamental grounds, vest the same in such person and in such manner as the Lord Lieutenant in Council may direct in each particular instance.

Enactments with respect to ecclesiastical residences.

27. Where there is any ecclesiastical residence vested in the Commissioners which at the time of the passing of this Act or within six months prior thereto is or has been occupied as a residence by any ecclesiastical person performing or aiding in the performance of the services in any church vested in the representative body of said Church in pursuance of this Act, or in any building temporarily used in place of a church, or where such residence being a see house is or has been occupied by the archbishop or bishop of the see to which such residence belongs at the time of the passing of this Act, or within six months prior thereto, the Commissioners shall, on the application of the representative body of the said Church, by order vest in that body such ecclesiastical residence, with the garden and curtilage thereto, subject to such life estate or interest, if any, as may be then subsisting therein, upon payment to the Commissioners of such sum as is herein-after mentioned, that is to say, where there is no building charge affecting the same, upon payment to the Commissioners of a sum equal to ten times the amount of the annual value of the site of such ecclesiastical residence estimated as land, and of the said garden and curtilage, such value to be determined in case of disagreement by arbitration; and where there is a building charge affecting the same, on payment to the Commis-

sioners of such one of the two sums herein-after mentioned as may be the smallest, that is to say, either the amount of such building charge or a sum equal to the value of such ecclesiastical residence, with the garden and curtilage thereto, taken at ten years purchase of the annual value as estimated by the general tenement valuation, such valuation and payment to be made, if there be no life estate or interest subsisting in such residence, at the time of the making of the said vesting order, but if there be a life estate or interest subsisting therein, then such valuation, and also the payment to the Commissioners or persons entitled thereto in place of the Commissioners, to be made immediately after the determination of such life estate or interest.

Where the payment of the amount of any building charge or sum as aforesaid is deferred in pursuance of this section, the amount thereof shall be deemed to be a lien on the said ecclesiastical residence, and the garden and curtilage thereto, in the nature of a lien for unpaid purchase money, but it shall not bear interest until the same becomes payable in pursuance of this section.

Power to convey additional land to Church body.

28. Where any ecclesiastical residence is by order of the commissioners vested in the representative body of the said Church, the Commissioners may, on the application of the said body, by order vest a further portion of land in the said body; that is to say,

(1.) In the case of a see house a quantity of land not exceeding thirty acres, being land usually occupied with the said see house;

(2.) In the case of any other ecclesiastical residence a quantity of land not exceeding ten acres, being land usually occupied with the said ecclesiastical residence:

Provided always, that if the Commissioners shall be of opinion that for the convenient enjoyment of the said house or residence, or by reason of the severance which would otherwise take place, an additional quantity of land should be granted, they shall by order vest such additional land in the said body.

There shall be paid to the said Commissioners by the said representative body as the price of the land to be vested in them in pursuance of this section such sum as may be agreed upon or may be determined by arbitration.

Any vesting order made by the Commissioners in pursuance of this section shall have annexed thereto a map accurately defining the land thereby vested.

Enactments with respect to private endowments.

29. In lieu of any real or personal property becoming vested in the Commissioners by virtue of this Act which may consist or

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be the produce of property or monies given by private persons out of their own resources, or which may consist of or be the produce of monies raised by private subscription, and without prejudice to any life interests preserved or secured by this Act, the Commissioners shall, on the application of the representative body of the said Church, pay as at the end of six calendar months after the first day of January one thousand eight hundred and seventy-one to such representative body the sum of five hundred thousand pounds sterling; but such payment shall be without prejudice to any claim in respect of any particular private endowment which may within twelve months after such payment be substantiated against the said sum.

Moveable chattels belonging to see or church.

30. All plate, furniture, and other moveable chattels belonging to any church or chapel, or used in connexion with the celebration of Divine worship therein, shall vest in the representative Church body when incorporated; and, subject to the life enjoyment of same by the existing incumbents, all moveable chattels held and enjoyed by the incumbent for the time being of any see, cathedral preferment, and benefice in his corporate right, together with or as incident to the occupation of any ecclesiastical residence, shall also vest in the same body when incorporated; and where any property is vested in any ecclesiastical or cathedral corporation in Ireland in trust for the poor or any other charitable purpose, the dissolution of such corporation shall not affect the continuance of the trust, but such property shall immediately upon such dissolution vest in the representative body of the said Church, or, in default of and until the same shall be constituted, in the Commissioners for the execution of this Act, but subject always to the trusts affecting the same, and under the same supervision, local or otherwise, as theretofore, or as near thereto as the circumstances of the case will admit; and in all cases where ecclesiastical persons are at present in right of their dignities or offices entitled to be members of any lay corporations constituted for the management of any private endowment, or are trustees for the management of property belonging to institutions of private foundation for purposes not ecclesiastical, then the persons (if any) who shall hereafter at any time discharge duties similar or analogous to those now discharged by such ecclesiastical persons shall be entitled to succeed in their room, and be members of such lay corporations, and to act as such trustees.

Management of Property by Commissioners.

Limitation of right to purchase fee simple

31. No application under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate

or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands, shall be made after the expiration of three years from the first day of January one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid:

in consideration of perpetual rent.

In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance, or to the renewal of any lease, shall be done by the Ecclesiastical Commissioners for Ireland, such provision shall be construed as if the Commissioners hereby constituted were named therein instead of such Ecclesiastical Commissioners.

Sale of tithe rentcharge to owners of land.

32. The Commissioners may at any time after the first day of January one thousand eight hundred and seventy-one sell any rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge; and upon any such sale being so made, the Commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

Upon the application of any owner so purchasing, the Commissioners may by order declare his purchase money or any part thereof to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the Commissioners to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rentcharge payable by him, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands.

"Owner" for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under

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the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine.

Commissioners may purchase surrender or assignment of lease.

33. The Commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation.

Power to Commissioners to sell property vested in them by this Act.

34. The Commissioners may at any time after the first of January one thousand eight hundred and seventy-one sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act, and to the following conditions:

(1.) They shall not sell to the public any perpetual yearly rent issuing out of any land, or any right to mines or quarries in any land, where the fee simple of the land subject to such rent or right is vested in some person other than the Commissioners, until they have given notice to the owner of such land that they are willing to sell the same to him at the price herein-after mentioned, and the owner has declined to accept their offer:

(2.) Perpetuity rents shall be offered to the owner of the land out of which they issue at a capital sum equal to twenty-five times the annual amount of such rents:

(3.) The price of the rights to mines or quarries shall be fixed by the Commissioners by order:

(4.) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest:

(5.) They shall not sell to the public the fee simple of any land which is held immediately from or under the Commissioners by virtue of any lease or tenancy, until they have given notice to the lessee or tenant that they are willing to sell the fee simple to him for a price to be named by the Commissioners in such notice, and such lessee or tenant has declined to accept their offer; and they shall not sell to the public the fee simple of any land which is held immediately from or under the Commissioners by virtue of any lease for twenty-one years or for three lives, or twenty-one years, or for forty years, or for three lives, until the expiration of three years from the first day of January one thousand eight hundred and seventy-one:

(6.) Notice shall be given to the owner, where such owner is known to the Commissioners, by sending by post a letter containing the terms of the offer addressed to him at his last known place of abode; where he is not known, notice may be given by advertising the terms in the Dublin Gazette, and in one or more local newspapers as the Commissioners may determine:

(7.) An owner shall be deemed to have declined to accept the offer of the Commissioners if he do not accept the same in writing, and pay or secure the purchase money to the Commissioners within three months after the giving of such notice as aforesaid:

(8.) "Owner of land" for the purposes of this section shall include a "limited owner" as defined by the "Landed Property (Ireland) Improvement Act, 1860;" and any limited owner may raise the money required for any purchase under this section, or any part thereof, by mortgage (at a rate of interest not exceeding five pounds per centum per annum) of the land of which he is such limited owner as aforesaid.

Any person purchasing from the Commissioners shall hold the lands, tenements, and hereditaments purchased by him subject to all tenants rights of renewal to which the same were subject in the hands of the Commissioners at the time of such sale.

Orders of Commissioners operating as conveyance, &c. to be liable to same stamp duty.

35. Every order of the Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp duty accordingly.

Payment of money into bank.

36. All purchase monies, rents, and other monies whatsoever payable to the Commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner, as may from time to time be determined by the Commissioners of the Treasury.

Accounts of capital and revenues.

37. The Commissioners appointed under this Act shall prepare in such form, and either annually or for such shorter periods, as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the Commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period, to which the accounts relate, the Commissioners shall transmit the same to the Comptroller and Auditor

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General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before both Houses of Parliament not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting, then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

Regium Donum and College of Maynooth.

Compensation to nonconforming ministers.

38. When the annual parliamentary grant for the expenses of the nonconforming, seceding, and Protestant dissenting ministers in Ireland, commonly called the Regium Donum, and in this Act referred to by that name, is discontinued, the Commissioners shall as soon as may be after such discontinuance ascertain and declare by order the amount of the yearly sum theretofore received thereout by each minister of any Protestant nonconforming congregation in Ireland, or which he would have been entitled to receive if such grant had not been discontinued, and shall pay to each such minister, so long as he lives and is continued in the ministry, by and with the consent of the governing body of the church or religious community to which he may belong, an annuity equal to the yearly amount so ascertained as aforesaid.

The Commissioners shall also on such discontinuance as aforesaid ascertain and declare by order the amount of any yearly sum to which any assistant successor to a minister in such congregation may be prospectively entitled, and shall secure to such successor a deferred life annuity of the same value and payable in the same events as the yearly sum for which it is substituted. The Commissioners shall also ascertain and declare by order what Protestant nonconforming congregations were on the first day of March one thousand eight hundred and sixty-nine fulfilling the conditions necessary for eventually obtaining out of the Regium Donum the payment of yearly sums for their respective ministers, and what would have been in each case the amount of such yearly payment, and the time at which the same would have begun to be payable, and shall as from that time pay to the minister of each such congregation a life annuity, subject to the same conditions as aforesaid,

equal to the amount of the yearly payment which he would have become entitled to receive on the fulfilment of the necessary conditions if the grant of the Regium Donum had not been discontinued: Provided always, that no minister placed in a congregation, or becoming assistant successor, for the first time after the passing of this Act shall be entitled to any annual sum by way of compensation.

Commutation of annuities of non-conformist ministers, &c.

39. Any minister or assistant successor of any Protestant non-conforming congregation, to or for whom any annuity is paid or secured under this Act by reason of the discontinuance of the said grant called the Regium Donum, may apply to the Commissioners to commute his annuity for a capital sum to be paid to him, and the said Commissioners, if satisfied that the annuity of the applicant is not incumbered, or if incumbered that the incumbrancers consent to the commutation, shall cause the then present value of the annuity to be estimated, and shall pay the amount of such estimated value to trustees, such trustees to be appointed in the case of any such minister or assistant successor as aforesaid by such minister or assistant successor and the General Assembly or synod or presbytery, as the case may be, of the church or religious community to which such minister or assistant successor may belong.

Repeal of Maynooth Acts.

40. On and after the first day of January one thousand eight hundred and seventy-one, the Act of the Irish Parliament of the fortieth year of the reign of His late Majesty King George the Third, chapter eighty-five, except the fourth and fifth sections thereof, the Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, except the first three sections thereof, and the Act of the twenty-third and twenty-fourth years of the reign of Her said present Majesty, chapter one hundred and four, shall be and the same are hereby repealed, save in respect of any pecuniary and individual interests at present existing against the trustees.

Compensation on the cessation of certain annual sums.

When the annual sums herein-after mentioned cease to be paid, compensation shall be made in respect thereof by payment of capital sums as follows, that is to say:

(1.) In respect of the annual sum paid out of the said Regium Donum to the fund for supporting the widows and orphans of ministers of the synod of Ulster, by payment of the capital sum herein-after mentioned to the Presbyterian Widows Fund Association:

(2.) In respect of the several annual sums paid out of the Regium Donum to the said association, and also to the trustees of

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other widows funds of certain Protestant nonconforming bodies respectively, such sums to be ascertained on an average of such number of years as the Commissioners may think fit by payment of the capital sums herein-after mentioned to the said association and trustees of the said widows funds respectively:

(3.) In respect of the several sums paid annually by ministers in receipt of Regium Donum to the said widows funds respectively out of their first year's income derived from the Regium Donum on such average as aforesaid, by payment of the capital sum herein-after mentioned to the said association and the said trustees respectively:

(4.) In respect of the annual sum paid out of the Regium Donum to or on account of the clerks of the synod, by payment of the capital sum herein-after mentioned to trustees to be appointed in that behalf by the moderator of the General Assembly or of the synod or presbytery for whose benefit such annual payment was heretofore made as aforesaid:

(5.) In respect of the annual sums granted by Parliament for the salaries of the theological professors, and for the incidental expenses of the General Assembly's college at Belfast, by payment of the capital sum herein-after mentioned to trustees, not exceeding seven in number, consisting of the existing trustees of the said college, and additional trustees to be appointed in that behalf by the said General Assembly of the Presbyterian Church in Ireland, or by the majority of them:

(6.) In respect of the buildings of the said college, a sum not exceeding fifteen thousand pounds to the said trustees as last aforesaid:

(7.) In respect of the annual sums granted by Parliament for the salaries of the theological professors of the non-subscribing associations of Presbyterians, by payment of the capital sum herein-after mentioned to trustees to be appointed in each case by the professors and presidents of such associations:

(8.) In respect of the annual sum paid during the financial year ending the thirty-first day of March one thousand eight hundred and sixty-nine to the trustees of the College of Maynooth in pursuance of the Act of Parliament in that behalf, by payment of the capital sum herein-after mentioned to the trustees of the said college.

The capital sum to be paid by the Commissioners in respect of each of the annual sums aforesaid shall be fourteen times the amount of each such annual sum. And provided further, that in case of the retirement or removal from office of the present president or vice-president, or of any of the existing masters or professors, of Maynooth College, on account of age, permanent infirmity, or any cause other than his own wilful default, such president, vice-president, master, or professor shall be entitled to receive from the trustees by way of retiring allowance an annual sum equal to two thirds of his actual salary at the time of his retirement or removal.

Remission of debt to trustees of Maynooth.

41. Any sums of money remaining due from the trustees of the said College of Maynooth to the Commissioners of Public Works in Ireland in respect of advances made by the said Commissioners on the security of the sums payable to the said trustees under the sixth section of the said Act of the eighth and ninth years of the reign of Her present Majesty, chapter twenty-five, shall be and the same are hereby released.

Appeal.

Persons aggrieved may appeal.

42. Where any person is aggrieved by the value set by the Commissioners on any life interest or other interest in respect of which compensation is awarded to him under this Act, and where any person feels aggrieved by the value set by the Commissioners on any advowson or right of presentation in respect of which he is awarded compensation under this Act, he may, if he think fit, refer such question to arbitration.

Supplemental Provisions.

Compensation to certain Officers.

Possession to be given up of 24, Upper Merrion Street.

43. The possession of the house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the said Ecclesiastical Commissioners, and all furniture and fittings therein, and also all books, accounts, deeds, maps, documents, and papers whatsoever at the date of this Act belonging to the said Ecclesiastical Commissioners, or under their control, or the control of any of their officers, shall immediately after the passing of this Act be delivered up by the person or persons having charge of the same respectively to the Commissioners.

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Compensation to Ecclesiastical Commissioners and their officers.

44. There shall be paid to Arthur Edward Gayer and William Charles Quin (two of the said Ecclesiastical Commissioners) the annual sum of one thousand pounds each during their natural lives respectively, and to Robert Franks (their secretary), to George Lefroy (their treasurer), to the solicitor, and to the several other officers and clerks of the said Ecclesiastical Commissioners whose services may not be required by the Commissioners hereby constituted, such annual sums respectively as the said last-mentioned Commissioners, with the assent of the Lord Lieutenant, may recommend, and shall be approved of by the Commissioners of the Treasury; and if the services of such officers are required by the Commissioners hereby constituted, such services shall, for all purposes of superannuation, be deemed a continuance of their former services.

Compensation to vicars general and other officers by annuities equal to their average income for the three years ending 1st January 1869.

45. The Commissioners shall ascertain and by order declare the amount of the fees or other emoluments received by each vicar-general, official principal, commissary-general, or chancellor, or registrar or joint registrar of any diocese or united dioceses or any peculiar or exempt jurisdiction in Ireland, or by the registrar of any cathedral corporation, or by the auditor appointed under the said Act of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter fifty-four, on an average of the three years ending the first day of January one thousand eight hundred and sixty-nine, and of which they may be deprived by this Act, and shall, as from the first day of January one thousand eight hundred and seventy-one, out of any funds for the time being in the hands of the Commissioners under the provisions of this Act, pay to each such vicar-general, official principal, commissary-general, chancellor, or registrar, and auditor respectively during his life an annuity equal to the average amount of his fees and other emoluments ascertained as aforesaid, and shall also pay to each such officer the amount of any fees of which he shall show to the satisfaction of the Commissioners that he has been actually deprived during the interval between the passing of this Act and the first day of January one thousand eight hundred and seventy-one by virtue of the provisions of this Act: Provided always, that in any case where a deputy registrar shall for five years before the passing of this Act have discharged the duty of the office of registrar, such deputy registrar shall receive from the Commissioners such sum by way of compensation for the loss of his office as the Commissioners shall think right, and such sum shall be deducted from the amount payable under this Act to the principal registrar; provided further, that it

shall be lawful for such commissioners to grant to all managing and other clerks who have been continuously employed in the office of the said provincial or diocesan registry for five years or upwards immediately before the passing of this Act, and who may sustain any loss of emolument by reason of the passing of the same, such reasonable allowance as the said Commissioners may deem just and proper.

As to benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin.

46. The Commissioners shall ascertain whether the chancellor and prebendaries of Christ Church, Dublin, or any other ecclesiastical person, are or are not entitled to any right of succession in the benefices of Kilcullen, Kildare, Saint Mary, Saint Thomas, and Saint George, Dublin, or any other benefice or benefices, and, if entitled, shall award to them respectively such sum in compensation for the same as shall seem to them just.

Delivery up of Documents.

Delivery up of books by registrars.

47. All and singular the records, books, accounts, deeds, maps, documents, and papers whatsoever which in anywise relate to or concern any of the property or premises vested or to become vested in the Commissioners under any of the provisions of this Act shall, within three months next after the said first day of January one thousand eight hundred and seventy-one, be delivered up to the Commissioners by the respective registrars of the several provincial and diocesan or united diocesan or other registries in Ireland, or other the officers then having the custody or possession of the same respectively, on getting receipts therefor from the said Commissioners: Provided always, that the said Commissioners shall preserve the said books, accounts, deeds, maps, documents, and papers, and shall permit reasonable access to the same, and shall hand over to the said representative body such of the said books, accounts, deeds, maps, documents, and papers, if any, as may exclusively relate to property to which the said representative body shall have become entitled, and certified copies of such of them as may relate to the said property, jointly with other property, and at the close of the commission shall lodge the residue thereof in the Public Record Office of Ireland.

Dealings with Property.

Commissioners not to expend monies in building.

48. It shall not be lawful for the Commissioners to expend any money whatever in or about the building, rebuilding, or enlarging of any cathedral or other church, or any chapel, see house, glebe

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house, or other building belonging to the said church or to any person holding office therein or connected therewith, or in enlarging or improving any churchyard or graveyard, nor to grant or advance any money for the purposes aforesaid, or any of them, except such sums as the Ecclesiastical Commissioners of Ireland shall before the first of March last have engaged or agreed to expend for such purposes, or such as in the opinion of the Commissioners they may since that date in due and ordinary course of business have engaged or agreed to expend for such purposes.

Commissioners not to expend monies in repairs.

49. It shall not be lawful for the Commissioners, after the first day of January one thousand eight hundred and seventy-one, to expend any money whatever upon any such buildings, churchyard, or graveyard as aforesaid, whether for repairs or otherwise, nor in payment of salaries of clerks or sextons of any parish, chapelry, or chapel of ease who may be appointed after the passing of this Act, or in providing any church or chapel with fuel, lighting, or things necessary for the celebration of Divine service, nor to grant or advance any money for the purposes aforesaid, or any of them, except such sums as the Ecclesiastical Commissioners shall before the first of March last have engaged or agreed to expend for such purposes, or such as in the opinion of the Commissioners they may since that date in due and ordinary course of business have engaged or agreed to expend for such purposes: Provided that in the meantime, and until the said first day of January one thousand eight hundred and seventy-one, it shall be lawful for the Commissioners to expend such sums of money as they may ascertain and by order declare to be necessary for keeping any such buildings as aforesaid in substantial repair and preservation, or for providing any church or chapel with fuel, lighting, or other things requisite for the decent performance of Divine worship as heretofore in such church or chapel.

Payment of building charge.

50. Nothing herein contained shall affect the right of any archbishop, bishop, or person holding any benefice or cathedral preferment in the said Church, and whose annuity has not been commuted in pursuance of this Act, to receive the amount of any building charge to which such archbishop, bishop, or other person would have been entitled if this Act had not passed; and in the event of the circumstances occurring under which such person or his representatives would have been entitled, if this Act had not passed, to receive such charge, the Commissioners shall pay the same to such person or his representatives.

Regulations as to payment of commutation and annuity.

51. Every annuity payable by the Commissioners under this Act shall be deemed to accrue due from day to day, and shall be paid at such intervals not exceeding in any case six months, and in such manner, as the Commissioners may judge expedient.

The Commissioners may deduct from any annuity payable by them any sums they may have been required to pay to any incumbrancer in respect of any charge which would have been payable out of the property for which such annuity is substituted if no substitution had taken place, subject to the like provision thereout for the discharge of the spiritual duties of the see or benefice as the income thereof would have been liable to if this Act had not been passed.

All commutation monies paid under this Act in lieu of annuities shall be calculated at the rate of three pounds ten shillings per centum per annum.

Power of Commissioners to accept mortgages as security for a portion of purchase money.

52. Where the Commissioners sell any land or interest in land in pursuance of this Act, the Commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of four per centum per annum, secured to the satisfaction of the Commissioners; and any such purchase money may be made payable by half-yearly instalments, not exceeding sixty-four in number.

Power to pay by instalments.

53. Where the Commissioners are authorized or required under this Act to pay any capital sum in respect of any commuted annuity, they may, if they think fit, instead of paying such sum at once, elect to pay the same by half-yearly instalments, not exceeding eight in number, together with interest at the rate of three and a half pounds per cent. on any part of the capital for the time being remaining unpaid.

Where the representative body of the said Church is liable to pay any capital sum to the Commissioners, such capital sum may be paid by twenty-two yearly instalments, with interest at the rate of three and a half per cent. on the amount of the purchase money remaining unpaid, to be secured in such manner as the Commissioners think expedient.

Sales of lands, &c. may be made in Landed Estates Court.

54. If in any case in which the Commissioners are by this Act authorized or directed to sell any property it appears to them to be expedient that the same should be sold, or the sale thereof carried out, in the Landed Estates Court in Ireland, it shall be lawful for the Commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said

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court, and thereupon such sale shall be effected or carried out in and by the said court accordingly; but any right of pre-emption herein-before declared shall be as far as possible preserved in the said court; and the conveyance of the premises so to be sold, or the sale of which may be carried out, under any such order, shall be executed by a judge of the said court, and shall have the same force and operation in all respects as if the same were so executed in a matter in which an absolute order for sale of the said premises had been duly made by the said court on a petition filed therein for that purpose.

Saving claim of arrears of rent, &c.

55. The vesting of any property in the Commissioners under this Act shall not preclude any person entitled from recovering any arrears of rent, interest, or other sums payable at the time of such vesting, out of or in respect of such property, and such arrears, interest, or other sum may be recovered by such person in the same manner in all respects as if such vesting had not taken place; and where any person is deprived of any rent, interest, or other sum payable out of or in respect of property by reason of such property vesting in the Commissioners under this Act, the Commissioners, after deducting any rates or charges payable thereout, shall pay to such person a proportionate part of such rents, interest, and other sums in respect of the time that may have intervened between the last day at which such person was entitled to receive such rents, interest, or sums, and the time of the vesting of the property in the Commissioners.

Provision for other persons under disability.

56. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act: where there is no guardian or committee of the estate of any such person as aforesaid, being infant, idiot, or lunatic, or where any person the committee of whose estates if he were idiot or lunatic would be authorized to act for and represent such person under this part of this Act is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such

guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Provision as to incapacitated owners.

57. If in any case any such advowson or building charge as is mentioned in this Act is so circumstanced as that there is not in the opinion of the Commissioners any person competent to give an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the Commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the Commissioners so to declare by order, and thereupon the compensation or amount so payable by the Commissioners shall be paid into the Bank of Ireland, ex parte the Commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland and dealt with in pursuance of the Land Clauses Consolidation Act, 1845; and in the construction of that Act this Act shall for the purposes of this section be deemed to be the special Act.

Power to officers of Commissioners to enter upon land.

58. Any surveyor or other person employed by the Commissioners for the purpose of ascertaining the value of any land or buildings which, or the reversion of which, may be vested in the Commissioners under this Act, may enter upon such land or buildings at all reasonable times during the day, upon making full compensation for any damage he may do for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the Commissioners for the purpose of carrying this Act into effect.

Power of the Commissioners to raise Money.

Commissioners to raise money for the purposes of the Act.

59. The Commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the Commissioners may give as security for the repayment of any monies so raised, and of interest thereon, the whole or any part of the property vested in them by this Act.

Power to Treasury to advance money to Commissioners.

60. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time out of any money in their hands under the Act of the session of the twenty-sixth and

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twenty-seventh years of Her Majesty (chapter eighty-seven), "to consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty (chapter fourteen), "to grant additional facilities for depositing small savings at interest with the security of the Government for due repayment thereof," or under both those Acts, advance to the Commissioners, with such guarantee as is by this Act authorized (but not otherwise), the whole or any part or parts of the money which by this Act the Commissioners are authorized to raise.

Power for Treasury to guarantee advance to Commissioners.

61. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the Commissioners in pursuance of this Act.

Form of security and guarantee.

62. Any security given by the Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Majesty's Treasury may approve, and there shall be certified thereon, in such form as the said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned Commissioners in pursuance of this Act.

Guarantee to be based on Consolidated Fund.

63. For the purpose of giving effect to the guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury, from time to time, in aid of any money applicable under this Act, for payment of principal and interest for the time being accrued due in respect of any monies raised by the Commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively.

Repayment to Consolidated Fund.

64. In case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid to the said Consolidated Fund out of the funds in the hands of the Commissioners.

Arbitration.

Rules as to arbitration.

65. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," and for this purpose the clauses of the said Act with respect to the

settlement of disputes by arbitration shall be incorporated herewith, subject to the qualification that, in cases where the Board of Trade is thereby authorized to appoint an umpire, the Commissioners of Public Works in Ireland shall have power to appoint the same. A.D. 1869.

Temporary Provisions.

Regulation as to vacancies.

66. If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church between the date of the passing of this Act and the first day of January one thousand eight hundred and seventy-one, the following enactments shall be made with respect to such vacancy:

(1.) All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any such vacant archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, shall vest in the Commissioners, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same:

(2.) Her Majesty may in the case of a vacant archbishopric, on the requisition of any three bishops of the province, and in the case of a bishop on the requisition of the archbishop of the province in which such bishopric is situate, or of any three bishops of the same province, fill up the vacancy; but no archbishop or bishop so appointed shall be summoned to or be qualified to sit in the House of Lords, and he shall be subject to the provisions herein-after mentioned:

(3.) In the case of any vacant benefice or cathedral preferment, such vacancy may be filled up by the same person or persons who would have been qualified to fill up the same if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned:

(4.) Every person appointed to fill any vacancy in pursuance of this section shall be subject to all the provisions of this Act, and he shall not be entitled to any compensation in respect of any annuity or other interest of which he may be deprived by virtue of this Act; and no person appointed to fill any vacancy in pursuance of this section

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shall be liable to pay any ad valorem duty or tax to the Crown, or any ad valorem fees to the ecclesiastical registries, neither shall he be bound to pay any building charge upon the preferment or benefice in which the vacancy shall have occurred:

Provided always, that if the owner of any archbishopric, bishopric, benefice, or cathedral preferments, or any curate, be appointed to fill a vacancy in any other archbishopric, bishopric, benefice, or other cathedral preferments, such person, notwithstanding such appointment, shall still have and retain all such life estate or interest and all the rights and privileges to which he would have been entitled if he had not accepted such appointment, and in the meantime he shall pay over the net income of the archbishopric, bishopric, benefice, or cathedral preferment held by him at the time of such appointment to the representative body of the said Church, who shall thereout make such provision for the discharge of the spiritual duties in the said last-mentioned archbishopric, bishopric, benefice, or cathedral preferment, or curacy, as, in the case of an archbishopric or bishopric, shall be directed in writing by the person or persons authorized thereto by the representative body of the said Church, or, in the case of a benefice or cathedral preferment, by the bishop of the diocese for the time being, or, in case of a curate whose salary is deducted under this Act, by the incumbent from whose income such salary has been deducted:

(5.) The Commissioners may pay to any person appointed to fill a vacancy in pursuance of this section, during such time as he may occupy his office between the date of the passing of this Act and the said first January one thousand eight hundred and seventy-one, a sum equal, as nearly as the Commissioners can determine, to the net annual income of the archbishopric, bishopric, benefice, or cathedral preferment to which he is appointed, or a proportionate part thereof, according as he holds his office for the whole time or a portion only of such time.

As to exclusion of house, &c. in cases of commutation.

67. In case of any commutation as herein-before provided it shall be lawful for the Commissioners, at the desire of the holder of any archbishopric, bishopric, benefice, or cathedral preferment, to exclude from such commutation any house or land reserved to such holder by this Act which shall be in his actual occupation; but in such case the building charges, if any, to which he shall be entitled shall not become payable under section twenty-four of this Act, but payable at the termination of his life interest under section fifty.

Surplus.

Ultimate trust of surplus.

68. And whereas it is further expedient that the proceeds of the said property should be appropriated mainly to the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor: Be it further enacted, that the said proceeds shall be so applied accordingly in the manner Parliament shall hereafter direct.

Saving Clauses.

Provision as to Acts relating to United Church of England and Ireland.

69. In all enactments, deeds, and other documents in which mention is made of the United Church of England and Ireland, the enactments and provisions relating thereto shall be read distributively in respect of the Church of England and the Church of Ireland, but, as to the last-mentioned Church, subject to the provisions of this Act.

Saving rights as to proprietary chapels and chapels of ease.

70. Nothing in this Act contained shall affect the patronage or right of presentation to any proprietary or district parochial church or endowed chapel of ease which has been endowed out of private funds, or affect the property in any such church or chapel, or the property held for the purposes of or appropriated to the use of the same, or affect the continuance of the trust relating thereto as originally constituted.

Saving of Act of 39 & 40 G. 3. c. 67., &c.

71. Nothing herein contained shall affect the Act of the session of the thirty-ninth and fortieth years of the reign of King George the Third, chapter sixty-seven, and intituled "An Act for the Union of Great Britain and Ireland," or an Act of the Irish Parliament passed in the fortieth year of the reign of King George the Third, and also intituled "An Act for the Union of Great Britain and Ireland," or anything done thereby, except in so far as relates to the union of the Churches of England and Ireland, and except as expressly herein-before provided.

Construction of Act.

Interpretation of terms.

72. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto; (that is to say,)

"Lord Lieutenant:"

"Lord Lieutenant" shall mean and include the lords justices or other chief governors or governor of Ireland:

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"Lease:" "Lease" shall include an agreement for a lease, or other contract of tenancy, and the estate or interest created or agreed to be created thereby:

"Ecclesiastical person:" "Ecclesiastical person" shall mean and include any archbishop or bishop, or person holding any benefice or cathedral preferment as herein-after defined:

"Church:" "Church" shall include a public chapel or chapel of ease, also a cathedral or collegiate church:

"Benefice:" "Benefice" shall mean and include every parish, rectory, vicarage, perpetual curacy, donative, chantry, endowed public chapel, parochial chapelry, and chapelry or district annexed, or reputed to be annexed, to any church or chapel, and whether the same be or be not within any exempt or peculiar jurisdiction:

"Glebe house:" "Glebe house" shall mean a house of residence belonging to any benefice as herein-before defined:

"Cathedral preferment:" "Cathedral preferment" shall mean and include every deanery, archdeaconry, prebend, canonry, chaplaincy, office of minor canon, chantry, office of priest vicar, vicar choral or choirman, having any prebend or endowment belonging thereto, or belonging to any body corporate consisting of persons holding any such office, and also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church:

"Cathedral corporation:" "Cathedral corporation" shall mean any dean and chapter or chapter, and also any corporation of minor canons, or vicars and choirmen, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Ireland:

"Curate:" "Curate" shall include residentiary preacher or reader:

"Property:" "Property" shall include things in action and rights of action:

"Jurisdiction." "Jurisdiction" shall mean legal and coercive power, and shall not extend to or include any power or authority which may be exercised in a voluntary religious association, upon the footing of mutual contract or agreement.

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CHAP. 43.

An Act to provide for the payment of Diplomatic Salaries, Allowances, and Pensions. [2d August 1869.]

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WHEREAS it is expedient to provide for the payment of the salaries, allowances, and pensions of persons in Her Majesty's diplomatic service out of moneys provided by Parliament instead of out of the Consolidated Fund, and otherwise to amend the law respecting the same:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Diplomatic Salaries, &c. Act, 1869."

Commencement of Act.

2. This Act shall come into operation as on and from the first day of April one thousand eight hundred and sixty-nine, which day is in this Act referred to as "the commencement of this Act."

Interpretation of terms.

3. In this Act, unless the context otherwise requires,—

The term "Treasury" means the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury:

The term "Secretary of State" means that one of Her Majesty's Principal Secretaries of State who is entrusted with the seals of the Department for Foreign Affairs, or performs the duties of that department.

Sections 4, 5, 6, 7, and 8, and part of sections 12 and 13 of 2 & 3 W. 5. c. 116., and 22 & 23 Vict. c. 5. repealed.

4. Sections four, five, six, seven, and eight of the Act of the session of the second and third years of William the Fourth, chapter one hundred and sixteen, "to provide for the salaries of certain "high and judicial officers, and payments hitherto made out of the "civil list revenues," and so much of sections twelve and thirteen of the same Act as relates to diplomatic salaries, allowances, and pensions, and the whole of the Act of the session of the twenty-

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second and twenty-third years of the reign of Her present Majesty, chapter five, "to remove doubts as to the qualification of persons holding diplomatic pensions to sit in Parliament," are hereby repealed, as from the commencement of this Act.

Provided that this repeal shall not affect any pensions now payable under the said Act; and those pensions shall be paid out of the consolidated fund, and the accounts thereof shall be laid before Parliament in the same manner as if this Act had not passed.

Salaries, pensions, &c. payable out of annual votes.

5. After the commencement of this Act all salaries, allowances, and pensions (other than pensions granted before the commencement of this Act,) payable to persons in Her Majesty's diplomatic service shall be paid out of moneys provided by Parliament, and shall be paid on such days and in such manner as the Treasury may, with the consent of the Secretary of State, from time to time appoint.

Amounts of diplomatic pensions.

6. After the commencement of this Act the Treasury, on the recommendation of the Secretary of State may grant pensions during life to persons in Her Majesty's diplomatic service, not exceeding the salary which the pensioner may be receiving at the time that his active employment ceases, and not exceeding the following amounts; namely,

(1.) One thousand seven hundred pounds per annum for a first-class pension:

(2.) One thousand three hundred pounds per annum for a second-class pension:

(3.) Nine hundred pounds per annum for a third-class pension:

(4.) Seven hundred pounds per annum for a fourth-class pension.

Qualifications for pension.

7. With respect to the qualifications for pensions under this Act, the following provisions shall have effect:

(1.) A person shall not be qualified for receiving a pension of any class, until the expiration of fifteen years from the date of his first commission, and unless he has actually served in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to ten years:

(2.) A person shall not be qualified for receiving a pension of the first class unless he has been an ambassador, and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to three years:

(3.) A person shall not be qualified for receiving a pension of the second class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the first class,

and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to five years:

(4.) A person shall not be qualified for receiving a pension of the third class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the second-class, or a minister plenipotentiary, or a minister resident, or a chargé d'affaires and consul general in some foreign state or states, or a chargé d'affaires in some foreign state or states where no other diplomatic representative is usually appointed to reside on behalf of Her Majesty, or an agent and consul general in some foreign state or states where his duties have been generally of a political character, and in one or more of those capacities has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to five years.

(5.) A period of residence in any capacity which if continued would be a qualification for any class of pension may count as part of the qualification for a lower class of pension.

Pension to invalided secretaries.

8. Where a person holding a commission as second or third secretary in Her Majesty's diplomatic service, and having served in such capacities, or one of them, for a period not less than five years, is constrained, from infirmity of mind or body, to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him an allowance during his life, not exceeding for each year of his service in the said capacities, or one of them (if he has only served in one), one thirtieth part of the amount of the annual salary which he may be receiving at the time that he leaves the service.

Allowance in case of bodily injury.

9. Where a person in Her Majesty's diplomatic service, by reason of severe bodily injury, occasioned without his own default in the discharge of his duty, is constrained to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him a gratuity not exceeding the amount of three months salary for every two years of service, or a pension not exceeding ten sixtieths of the annual salary which he may be receiving at the time that he leaves the service.

Temporary pension on rupture of diplomatic relations.

10. Where a person in Her Majesty's diplomatic service, who is serving in any foreign state in any capacity, and is, by reason of war or any interruption of diplomatic relations, withdrawn from

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active service before he has completed the term of service and period of residence which, under the provisions of this Act, would entitle him to a pension for having served in such capacity, the Treasury, at the request of the Secretary of State, may grant to him a temporary allowance calculated on the rate of pension which he would have earned if he had continued to reside in such capacity, regard being had to the length and character of his services.

Every such allowance shall cease from the date of the ratification of a treaty of peace or the renewal of diplomatic relations.

Forfeiture of pension on refusal to serve again.

11. If any person who is in receipt of a pension or temporary allowance under this Act, and has not attained the age of sixty years, and is not incapacitated by infirmity of mind or body (proved to the satisfaction of the Secretary of State, by a medical certificate or otherwise), refuses, when required so to do by the Secretary of State, to proceed to any mission which is of the same rank as that in respect of which his pension was granted, or to some mission of higher rank, he shall forfeit his right to the pension and allowance.

Suspension of payment on holding other offices.

12. Where a person having any pension or allowance under this Act is appointed to any office of profit under the Crown, or to any office the salary of which is payable out of the Consolidated Fund or moneys provided by Parliament, whether such office is in the United Kingdom or not, his pension and allowance, so long as he continues to hold such office, shall, if the emoluments of such office are equal to or larger than the pension or allowance, be suspended, and if the emoluments of such office are less than the pension or allowance, be diminished by the amount of such emoluments.

Determination of class of missions.

13. It shall be lawful for Her Majesty from time to time to determine the foreign states the envoys extraordinary and ministers plenipotentiary at which are thereafter to be deemed on first and second class missions respectively for the purposes of a pension under this Act.

Such determination shall be signified in writing under the hand of the Secretary of State to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament within fourteen days after the signing thereof, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after the commencement of the next session.

The arrangement existing at the commencement of this Act as to such first and second class missions shall, until and except so far as altered under the provisions of this section, continue in force for the purposes of a pension under this Act.

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Employment beyond limits of state.

14. Where a person in Her Majesty's diplomatic service is actually employed beyond the limits of the foreign state in which, under the terms of his credentials or commission, he should properly reside, and is so employed on a special diplomatic mission or service, whether in or out of Her Majesty's dominions, or (being a second or third secretary) is so employed for the advantage of the public service in the department of Foreign Affairs in London, he shall, for the purposes of a pension under this Act, be deemed during the time that he is so actually employed to have been actually residing in such foreign state.

Pension on transfer from civil to diplomatic service, and vice versâ.

15. Where a person in the consular service or in any other branch of the civil service of Her Majesty is appointed to some employment in the diplomatic service, or where a person in the diplomatic service is appointed to some employment in the civil service of the state in the department of Foreign Affairs in London, and such person may suffer prejudice in regard to his retiring allowance by reason of his not continuing in his former service, the Treasury may award to him on his retirement from active service such pension or superannuation allowance under this Act and the Superannuation Act, 1859, or one of them, as in their opinion will prevent his suffering such prejudice and is just, having regard to his services; but save as aforesaid a person receiving a pension under this Act shall not be entitled to any superannuation allowance under the Superannuation Act, 1859.

22 & 23 Vict. c. 26.

Pension, &c. to be free from taxes.

16. Every pension, allowance, and gratuity under this Act shall be paid to the person entitled to the same without any abatement or deduction in respect of any taxes or duties at present existing, except the tax upon income.

Pensioner may sit in House of Commons.

17. A pension under this Act shall not disqualify the holder for being elected or sitting or voting as a member of the House of Commons.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP 44.

An Act to make better provision respecting Greenwich Hospital, and the application of the revenues thereof. A.D. 1869.

[2d August 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles. This Act and 28 & 29 Vict. c. 89. construed together.

1. This Act may be cited as The Greenwich Hospital Act, 1869; and this Act and The Greenwich Hospital Act, 1865, shall be read and have effect together as one Act, and may be cited together as The Greenwich Hospital Acts, 1865 and 1869.

Enactments in schedule repealed.

2. From and immediately after the thirtieth day of September one thousand eight hundred and sixty-nine, the enactments described in the schedule to this Act shall be repealed; but this repeal shall not affect any Greenwich Hospital allowance appointed before this repeal takes effect.

Admission of invalids, &c. to benefits of hospital.

3. The Admiralty may, under regulations to be from time to time made by them, admit temporarily or permanently to the benefits of Greenwich Hospital non-commissioned officers and men of the royal navy and marines who, although not in receipt of naval pensions, have been, before or after the passing of this Act, discharged as invalided for disease or wounds contracted or received in or by the service of the Crown, or are infirm and helpless.

Transfer of invalids to naval hospital, &c.

4. The Admiralty may, under regulations to be from time to time made by them, send any non-commissioned officers or men admitted to the benefits of Greenwich Hospital to a naval hospital or infirmary, to be there maintained at the expense of Greenwich Hospital.

Power to substitute pensions for maintenance.

5. The Admiralty may, under regulations to be from time to time made by them, appoint to non-commissioned officers and men admitted to the benefits of Greenwich Hospital, in lieu of maintaining

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them in or at the expense of Greenwich Hospital, such special Greenwich Hospital pensions as to the Admiralty shall seem fit, according to the circumstances of each case, but so that the amount received by any non-commissioned officer or man in respect of such special pension, together with the naval pension (if any) appointed to him, and the Greenwich Hospital pension (if any) appointed to him under The Greenwich Hospital Act, 1865, shall not exceed in the case of any non-commissioned officer or man who was an inmate of Greenwich Hospital on the first day of January one thousand eight hundred and sixty-nine the sum of thirty-six pounds ten shillings a year, and in the case of any non-commissioned officer or man who has been or is admitted to the benefits of Greenwich Hospital after the last-mentioned day the sum of twenty-seven pounds ten shillings a year.

Approval of regulations.

6. Regulations made by the Admiralty under this Act shall not have effect unless and until they are approved by Her Majesty in Council.

Power to permit use of buildings for public purposes.

7. The Admiralty may from time to time permit Greenwich Hospital or any part thereof, with the appurtenances, to be occupied and used temporarily for the purposes of the naval service or of any department of Her Majesty's Government, or for the benefit of persons engaged or who have been engaged in seafaring pursuits, with or without requiring a rent, and on such terms respecting repairs and other matters as the Admiralty think fit; but so that the whole of the buildings of the hospital and their appurtenances shall be at all times available for the purposes to which the same would have been applicable if this section had not been enacted.

Greenwich Hospital income account.

8. Her Majesty's Paymaster General shall continue to keep in his books the separate account, called the Greenwich Hospital income account, opened by him under The Greenwich Hospital Act, 1865.

Payments out of Consolidated Fund.

9. From and after the thirtieth day of September one thousand eight hundred and sixty-nine there shall be charged on the Consolidated Fund of the United Kingdom, and from time to time under the direction of the Commissioners of Her Majesty's Treasury carried therefrom to the Greenwich Hospital income account, the annual sum of four thousand pounds (the same being the estimated difference between the annual sum of twenty thousand pounds charged on the Consolidated Fund by the Act of King William the Fourth, repealed by this Act, and the corrected average aggregate amount of the sums of fifteen pounds per head mentioned

in section fifty-one of The Greenwich Hospital Act, 1865, also repealed by this Act); which annual sum shall be carried over in one amount on or before the thirtieth day of September in each year, commencing with the year one thousand eight hundred and seventy.

Proportionate parts of payments to and from Consolidated Fund.

10. Notwithstanding anything in this Act there shall be carried from the Consolidated Fund to the Greenwich Hospital income account a proportionate part of the said annual sum of twenty thousand pounds for the period between the last payment on account thereof and the thirtieth day of September one thousand eight hundred and sixty-nine; and the sum equal to fifteen pounds per head on the number of men referred to in section fifty-one of The Greenwich Hospital Act, 1865, shall be paid for the half year ending on the thirtieth day of September one thousand eight hundred and sixty-nine.

Transfer of naval pensions of men maintained.

11. The naval pensions of such non-commissioned officers and men as are for the time being maintained in or at the expense of Greenwich Hospital shall not be paid to them individually, but so much of the money annually provided and appropriated by Parliament for naval pensions as would be applicable to the payment of the naval pensions of those officers and men shall be paid into the Bank of England under the direction of the Admiralty to the cash account of Her Majesty's Paymaster General, who shall carry the same to the Greenwich Hospital income account.

Pensions to merchant seamen, &c.

12. From and after the thirtieth day of September one thousand eight hundred and sixty-nine, the Admiralty shall from time to time pay to the Board of Trade a sum or sums not exceeding in the whole in any year the sum of four thousand pounds, which shall in the first instance be defrayed out of money provided by Parliament, and shall be repaid to the consolidated fund of the United Kingdom from the Greenwich Hospital income account, in manner provided in sections fifty and fifty-one of The Greenwich Hospital Act, 1865.

The Board of Trade shall apply the sum or sums aforesaid in payment of pensions to some of such masters and seamen of the mercantile marine as contributed out of their wages the sum of sixpence a month towards the support of Greenwich Hospital; and it shall be lawful for Her Majesty, from time to time, by Order in Council made on the joint recommendation of the Admiralty and the Board of Trade, to make regulations respecting the qualifications for and amount of such pensions.

Payment of rents after deduction of

13. The rents and profits of the lands vested in the Admiralty by virtue of The Greenwich Hospital Act, 1865, shall, as and when

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expenses, &c.

received, be paid, after deduction of the necessary and proper expenses of management of those lands and of all other necessary and proper outgoings in respect thereof, into the Bank of England to the cash account of Her Majesty's Paymaster General, who shall carry the same to the Greenwich Hospital income account.

Provision as to Hexham, &c. Railway.

14. From and after the thirtieth day of September one thousand eight hundred and sixty-nine, The Hexham and Allendale Railway Act, 1866, shall be read and have effect as if the Solicitor of the Admiralty had been mentioned throughout the enactments of that Act instead of the comptroller of the Greenwich Hospital estate; and the register of shareholders of the Hexham and Allendale Railway Company shall be altered (as far as is necessary) accordingly.

Power to grant pensions instead of annuities.

15. Notwithstanding anything in sections twelve and sixteen of The Greenwich Hospital Act, 1865, directing the purchase of annuities for such persons and of such respective amounts as therein described, the Admiralty may, if they think fit, from time to time grant to persons hereafter removed from office under the provisions of the said Act, or to any of them, pensions for their respective lives, of the like amount as the annuities to which they would respectively be entitled under those sections, to be charged on the income of Greenwich Hospital; and where any pension is so granted the directions of sections twelve and sixteen shall not have effect.

THE SCHEDULE.

Enactments repealed.

4 & 5 Will. 4. c. 34.	An Act to repeal the laws relating to the contribution out of merchant seamen's wages towards the support of the Royal Naval Hospital at Greenwich, and for supplying other funds in lieu thereof.
28 & 29 Vict. c. 89. in part.	The Greenwich Hospital Act, 1865,—in part namely;— Sections six, twenty-seven, twenty-eight, thirty-seven, forty-six, and so much of section fifty-one as relates to the payment of a sum equal to fifteen pounds per head on the number of men therein referred to.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 45.

An Act to amend the Law relating to the Repayment of Loans to Poor Law Unions. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to amend the law with respect to the repayment of loans to Poor Law Unions:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Union Loans Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation of terms.

3. Words in this Act shall have the same meaning as in "The Poor Law Amendment Act, 1834."

Monies borrowed by guardians to be a charge on common fund.

4. In the following cases; namely,—

(1.) Where any monies borrowed before the passing of this Act and since the twenty-fifth day of March one thousand eight hundred and sixty-two by the guardians of any union, with the consent of the Poor Law Board, are owing by such guardians on the twenty-ninth day of September one thousand eight hundred and sixty-nine;

(2.) Where any monies are borrowed by the guardians of any union, with the consent of the Poor Law Board, after the passing of this Act;

Such monies, with the interest thereon, shall, from and after the said twenty-ninth day of September one thousand eight hundred and sixty-nine, be a charge upon and be paid out of the common fund of such union: Provided always, that no monies borrowed before the passing of this Act shall be so charged and paid without the unanimous consent of a meeting of guardians, of which meeting, and of the business to be transacted, at least seven days notice shall be given to each guardian, nor without the consent of the Poor Law Board.

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Manner in which monies borrowed by guardians may be repaid.

5. Any sum or sums of money borrowed by the guardians of any union or parish after the passing of this Act may, at the option of such guardians, and with the consent of the Poor Law Board, be repaid—

(1.) By thirty equal annual payments of the principal sum borrowed, with the interest on the balance remaining unpaid each year:

(2.) By such equal annual payments as, reckoning principal and interest together, will repay the sum borrowed within thirty years.

Repeal of 14 & 15 Vict. c. 105. s. 7. and provision for future securities.

6. Section 7. of the Poor Law Amendment Act, 1851, is repealed in respect of any loan to be effected after this Act comes into operation, and thenceforth every security for money borrowed under the authority of any order of the Poor Law Board may be made according to the following form, or as near thereto as the circumstances of the case will admit:

Form of Security.

This deed made the day of in the year one thousand eight hundred and , witnesseth that in consideration of the sum of lent to the guardians of the poor of the Union in the county of *or* to the guardians of the poor of the parish of in the county of *or* to the board of management of the District (School *or* Asylum) *or* to the churchwardens and overseers of the poor of the parish of *or* to the overseers of the poor of the township of in the county of under the provisions of the Act [*here state the Act authorizing the loan*], and in pursuance of and upon the authority of an order of the Poor Law Board, bearing date the day of by [*here set out the name and description of the public board, commissioners, or company, or the person, lending the money*], the receipt of which sum is testified by the memorandum at the foot thereof, signed by our treasurer [*or, in the case of the overseers,* by us]. we the said guardians do hereby charge the common fund of the said union *or* the poor rates of the said parish, *or* we, the said board of management, do charge the common fund of the district, *or* the poor rates to be raised in the several unions and parishes combined in the said district, namely [*here set out the names of the unions and parishes combined in the district*], *or* we the said churchwardens and overseers *or* overseers do hereby charge the future poor rates of the said parish *or* township with the repayment

of the said sum of by [*here insert the number of yearly instalments by which the loan is to be repaid, not exceeding the number limited by the statute or statutes under which it is advanced, but including those to which the time of repayment may have been extended under any statute in that behalf*] instalments on the day in the years following, that is to say, the sum of on the day of in the year one thousand eight hundred and the sum of on the day of in the year one thousand eight hundred and the sum of on the day of in the year one thousand eight hundred and , together with interest at the rate of pounds per centum per annum yearly on the days aforesaid or half-yearly on the day of and on the day of in every year upon the principal for the time being unpaid according to the terms of this security *or* by instalments of the sum of in respect of the principal and interest of the sum so borrowed to be paid on the day of in every succeeding year during a period not exceeding years; provided that nothing herein contained shall prevent the said from receiving the repayment of the whole or part of the aforesaid sum at any time before the day of payment of the last instalment if willing to do so.

In testimony whereof we the guardians aforesaid, *or* we the said board of management, have hereunto affixed our common seal, *or* we the said churchwardens and overseers *or* overseers have hereunto set our hands and seals.

(L.S.) (L.S.) (L.S.)

Received this day of the above-mentioned sum of from the said *A.B.*, Treasurer of the Union, *or* of the parish of , *or* of the said district board.

or C.D. and *E.F.*, *G.H.* and *I.K.* } Churchwardens, and overseers of the poor of the said parish.

or G.H. and *I.K.*, Overseers of the poor of the said township.

(*Seal of the Poor Law Board.*) (L.S.)

Registered by the Poor Law Board this day of one thousand eight hundred and

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Note.—The twenty-second and twenty-third Victoria, chapter forty-nine, section three, enacts that in the case of any debt charged by guardians upon the poor rates made repayable by instalments, each instalment shall be payable within one year next after the day when the same shall fall due, unless the Poor Law Board shall allow an extension of the time for the payment not exceeding six months, and the interest shall be payable within the like times only as the principal.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 46.

An Act to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons. [2d August 1869.] A.D. 1869.

WHEREAS it is expedient to abolish the distinction as to priority of payment between specialty and simple contract debts of deceased persons:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

All specialty and simple contract debts of deceased persons to stand in equal degree after 1st Jan. 1870.

1. In the administration of the estate of every person who shall die on or after the first day of January one thousand eight hundred and seventy no debt or liability of such person shall be entitled to any priority or preference by reason merely that the same is secured by or arises under a bond, deed, or other instrument under seal, or is otherwise made or constituted a specialty debt; but all the creditors of such person, as well specialty as simple contract, shall be treated as standing in equal degree, and be paid accordingly out of the assets of such deceased person, whether such assets are legal or equitable, any statute or other law to the contrary notwithstanding: Provided always, that this Act shall not prejudice or affect any lien, charge, or other security which any creditor may hold or be entitled to for the payment of his debt.

Extent of Act.

2. This Act shall not extend to Scotland.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 47.

An Act to provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions. [2d August 1869.] A.D. 1869.

WHEREAS it is expedient to abolish the office of High Constable in England and Wales, except in certain cases, and to make provision for the discharge of the duties heretofore performed by such constables:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. For the purposes of this Act the word "High Constable" shall include any constable of any hundred or other like district, and any officer discharging the duties usually performed by high constables by whatever name such officer shall be called; and the word "county" shall include any riding, division, liberty, and place having separate quarter sessions of the peace.

When vacancies not to be filled up.

2. It shall be the duty of the justices of the peace for every county in quarter sessions assembled in the month of January next after the passing of this Act to consider and determine whether it is necessary that the office of high constable of each hundred or other like district within their jurisdiction should be continued, and whenever such justices so assembled as aforesaid shall have determined in the case of any such hundred or other like district that it is not necessary that the office of high constable should be continued, they shall send notice of such determination to the person or persons in whom the appointment of such high constable is vested, and on the occurrence thereafter of any vacancy in such office such vacancy shall not be filled up, but this provision shall not apply to the case of any high constable who is by law or custom returning officer at any parliamentary or

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municipal election, or is charged with the supervision of the register of electors, or in whom is vested by virtue of his office any real property.

How notices are to be sent.

3. It shall be the duty of the clerk to the justices of the peace in each petty sessional division, other than those which are either wholly or partly within the metropolitan police district or the city of London, to send by post to the proper parties in such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district, or to parliamentary or municipal elections, or the registration of electors,) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any such duty in any such division shall hereafter be issued to any high constable, after the passing of this Act.

Provisions of 7 & 8 Vict. c. 33. to come into general operation.

4. All the provisions of the Act passed in the session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for facilitating "the collection of county rates and for relieving high constables "from attendance at quarter sessions in certain cases and from "certain other duties," which under such Act are to come into force upon the occurrence of any vacancy in the office of high constable of any hundred, shall come into force immediately after the passing of this Act in every case as if a vacancy in such office had occurred.

Chief constable to act in case of claims against hundred.

5. In every action to be brought or summary claim to be preferred against any hundred or other like district, of which there is no high constable, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county in which such hundred or district is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of Parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

Pensions may be given in certain cases.

6. If it shall appear to the justices assembled at any court of quarter sessions that any high constable within the jurisdiction of such court, holding office for life or during good behaviour, has

suffered or is likely to suffer by reason of the passing of this Act any loss of emoluments heretofore chargeable upon the county stock or rate, it shall be lawful for such justices upon the application of any such constable, notice having been given at a previous meeting of the court, to order that such sum shall be annually or quarterly paid to such constable during his life and charged upon the county stock or rate as shall seem to them reasonable, regard being had to the cessation of any duties in respect of which such emoluments had theretofore been received by him and to any other circumstances in the case, and in the case of any such constable holding office as aforesaid, and remunerated by salary conditional upon the discharge of the duties of his office, the annual sum to be awarded him by such order shall not be less than two thirds of such salary.

Provision in case of hundreds situate partly in boroughs.

7. When part of any hundred or other like district is within the limits of any borough or place having separate police jurisdiction, such hundred or district shall, for the purposes of this Act, be deemed to be in the county in which the other part of such hundred or district is situate.

Short title.

8. This Act may be cited as the High Constables Act, 1869.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 48.

An Act to amend The Companies Clauses Act, 1863. A.D. 1869.

[2d August 1869.]

WHEREAS "The Companies Clauses Act, 1863," has been amended in certain respects as regards railway companies, and it is expedient that such amendments should extend to other companies:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of Part III. of 26 & 27 Vict. c. 118. as to rate of interest on debenture stock.

1. Part III. of "The Companies Clauses Act, 1863," shall be read and have effect as if the following words, that is to say, "not "exceeding the rate prescribed in the special Act, and if no rate is "prescribed, then not exceeding the rate of four pounds per centum "per annum," had not been inserted in section 22 of that Act, and any special Act of a company passed before the passing of this Act, prescribing any rate, shall be read and have effect as if no rate had been prescribed therein.

Restriction on rate of interest on debenture stock already authorized.

2. Provided, that any debenture stock, the creation whereof has been authorized by a company, but which has not been issued before the passing of this Act, shall not be issued on any terms other than those whereon it might have been issued if this Act had not been passed, unless and until the issue thereof, on terms other than as aforesaid, is after the passing of this Act authorized by the company in manner provided in section 22 of "The Companies Clauses Act, 1863."

Power to issue debenture stock, subject to Part III. of 26 & 27 Vict. c. 118.

3. Any company having power to raise money on mortgage or bond by virtue of any Act of Parliament, but not having power to create and issue debenture stock, may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses

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Act, 1863" (relating to debenture stock), and Part III. of the said Act, as amended by this Act, shall be deemed to be incorporated with the special Act of every such company.

Advances to meet debentures falling due.

4. Money borrowed by a company for the purpose of paying off and duly applied in paying off bonds or mortgages of the company given or made under the statutory powers of the company shall, so far as the same is so applied, be deemed money borrowed within and not in excess of such statutory powers.

Power to issue shares or stock at discount.

5. Section 21 of "The Companies Clauses Act, 1863," shall, with respect to any company to which it is applicable under the provisions of this or any other Act, be read and have effect as if the following words, that is to say, "but so that not less than the full nominal "amount of any share or portion of stock be payable or paid in "respect thereof," had not been inserted in that section.

Power to issue residue of original or other capital at discount.

6. Any shares forming part of the capital (whether original or additional) authorized to be raised by any special Act of a company passed before the present session which have not been disposed of may be disposed of in manner provided by Part II. of "The Companies Clauses Act, 1863," as amended by this Act, and that Part, as so amended, shall be deemed incorporated with such special Act accordingly.

Restriction on issuing at discount shares or stock already authorized.

7. Provided, that any shares, the creation whereof has been authorized by a company, but which have not been issued before the passing of this Act, shall not be issued on any terms other than those whereon the same might have been issued if this Act had not been passed unless and until the issue thereof on terms other than as aforesaid is after the passing of this Act authorized by the company in manner provided by Part II. of "The Companies Clauses Act, 1863."

Act not to affect provisions as to capital upon which the dividend is limited.

8. Provided always, that this Act shall not be construed to alter or extend the provisions of any Act relating to share capital in respect of which the amount of profits to be divided is limited to a fixed rate per centum upon the paid-up capital of the company.

Short title.

9. This Act may be cited as "The Companies Clauses Act, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 49.

An Act to enable Local Authorities to collect Fines and Fees by means of Stamps. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to authorize the collection of certain fees and fines hereafter mentioned by means of stamps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Local Stamp Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation of "Local Authority."

3. For the purposes of this Act "Local Authority" shall mean in any county, parts, liberty, or division of a county having a separate commission of the peace, the justices in general or quarter sessions assembled; in any borough subject to the jurisdiction of a council or other governing body, the council or other governing body for the borough.

Power to collect fees and penalties by stamps.

4. Whenever all the clerks of special and petty sessions and all the clerks of the justices of the peace within the jurisdiction of any local authority are paid in the whole or partly by salaries, by virtue of any order made under the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, it shall be lawful for any such local authority, if they think fit, notice having been given at a previous meeting of the local authority of such purpose, to order that, from and after a day to be named in such order, all or any of the fees, fines, and penalties payable to the treasurer of the county, parts, liberty, division, or borough respectively within the jurisdiction of such local authority, or to any person on account of such treasurer, shall be received by such treasurer or such person as aforesaid by means of stamps denoting the sums payable, and not in money, and to cause such dies to be made

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as may be required for the purpose of carrying into effect this Act; subject nevertheless to such rules as may from time to time be made and published by such local authority, with the approval of one of Her Majesty's Principal Secretaries of State, and with the assent, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing of the same, of the Commissioners of Inland Revenue; and it shall be lawful for any such local authority from time to time, with the like notice, to revoke, vary, or renew any such order, the like approval and assent being first obtained for any such variation or renewal.

Unstamped document not to be valid.

5. Any document to or on which a stamp or stamps ought to be affixed or impressed under this Act, or under any rule for the time being in force under this Act within the jurisdiction of any local authority, shall not be of any validity unless the proper stamp or stamps has or have been affixed or impressed, or unless a certificate has been signed thereon by a justice of the peace acting in the matter to the effect that he has excused or postponed the affixing or impressment of the proper stamp or stamps, in which case the document shall be of the same validity as if the proper stamp or stamps had been duly affixed or impressed: Provided that if any such document is, through mistake or inadvertence, received, lodged, recorded, or used without being properly stamped, it shall be competent for the court or judge before whom the cause or proceeding depends to which such document relates to order that the same be stamped as in such order may be directed; and on every such document being stamped accordingly, the same, and every proceeding relative thereto, shall be as valid as if such document had been properly stamped in the first instance.

Authority to sell stamps.

6. The local authority may, by order under the hands of any two of their number, authorize any persons to sell or distribute stamps for the purpose of this Act upon such terms and subject to such conditions as such local authority may direct, and may from time to

Penalty.

time revoke any authority so granted. If any person not authorized as aforesaid sells or distributes any such stamps as are authorized to be used for the purpose of this Act, he shall upon summary conviction be liable to a penalty not exceeding five pounds.

Expenses of Act.

7. All expenses which may be incurred by any local authority in or about the preparing or making of dies or stamps, or in or about the carrying into execution of any of the powers given them by this Act, shall be defrayed out of and be a charge upon the county or borough rate respectively of such local authority.

Penalties for offences herein named.

8. If any person is guilty of any of the following offences,—

(1.) Forges or counterfeits, or causes or procures to be forged or counterfeited, any stamp or die, or any part of any stamp or die, provided, made, or used in pursuance of this Act; or,

(2.) Forges or counterfeits, or causes or procures to be forged or counterfeited, the impression, or any part of the impression, of any such stamp or die as aforesaid upon any document; or,

(3.) With intent to defraud the local authority, stamps or marks, or causes or procures to be stamped or marked, any document with any such forged or counterfeited stamp or die;

(4.) Sells or exposes for sale any document having thereupon the impression of any such forged or counterfeited stamp or die, or part of any such stamp or die, or any such forged or counterfeited impression or part of an impression, knowing the same to be forged or counterfeited; or,

(5.) Fraudulently cuts or gets off, or causes or procures to be cut or got off, the impression of any such stamp or die from any document, with intent to use the same for any other document; or,

(6.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any false, forged, or counterfeited die, plate, or other instrument, or part of any such die, plate, or instrument, resembling or intended to resemble, either wholly or in part, any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of this Act; or,

(7.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any vellum, parchment, or paper having thereon the impression of any such false, forged, or counterfeit stamp or die, or having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for any such stamp or die;

(8.) With intent to defraud the local authority, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of a justice of the peace under this Act, or any signature to any certificate purporting to be signed by a justice of the peace under this Act;

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Every person so offending, and every person knowingly and wilfully aiding and abetting any person in committing any such offence, and being thereof lawfully convicted, shall be judged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding two years.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 50.

An Act to provide for Superannuation Allowances to Medical Officers of poor law unions, and of dispensary districts of such unions, in Ireland. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to medical officers of poor law unions in Ireland, and of dispensary districts of such unions, who become disabled, either by infirmity or age, to discharge the duties of their offices: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to guardians, with consent of poor law commissioners, to grant superannuation allowance to medical officers in certain cases.

1. That the board of guardians of any union in Ireland may, at their discretion, with the consent of the commissioners for administering the laws for relief of the poor in Ireland, grant to any medical officer, including in that term a surgical officer, of such union, or of any dispensary district in such union, an annual allowance, under and subject to the provisions of the Act to provide for superannuation allowances to officers of the unions in Ireland, passed in the twenty-eighth year of the reign of Her Majesty, notwithstanding such medical officer shall not have devoted his entire time to the services of the union, and such allowance shall be paid out of the rates of the union exclusively, and no contribution shall be made thereto out of any moneys voted by Parliament.

Short title.

2. This Act shall be called "The Medical Officers Superannuation Act (Ireland), 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 51.

An Act to amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes. [2d August 1869.]

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The County Courts Admiralty Jurisdiction Amendment Act, 1869, and shall be read and interpreted as one Act with the County Courts Admiralty Jurisdiction Act, 1868.

Extension of jurisdiction over ships and goods.

2. Any county court appointed or to be appointed to have Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes:

(1.) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed three hundred pounds:

If parties agree, causes in respect of claims of higher amount may be determined by county court.

(2.) As to any cause in respect of any such claim or claims as aforesaid, but in which the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or agents, that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

Proceedings in rem or in personam.

3. The jurisdiction conferred by this Act and by the County Courts Admiralty Jurisdiction Act, 1868, may be exercised either by proceedings in rem or by proceedings in personam.

Amendment of sec. 3 of 31 & 32 Vict. c. 71.

4. The third section of the County Courts Admiralty Jurisdiction Act, 1868, shall extend and apply to all claims for damage to ships, whether by collision or otherwise, when the amount claimed does not exceed three hundred pounds.

As to appointment of mercantile assessors.

5. In any Admiralty or maritime cause the judge may, if he think fit, or on the request of either party, be assisted by two mercantile assessors; and all the provisions of the County Courts Admiralty Jurisdiction Act, 1868, with reference to nautical assessors, shall apply to the appointment, approval, summoning, and remuneration of such mercantile assessors.

Power of assessor of Court of Passage to make general rules and orders.

6. The assessor of the Court of Passage of the borough of Liverpool shall have power from time to time to make general rules and orders for regulating the practice and procedure of the Admiralty and maritime jurisdiction in the said court, and for other purposes mentioned in section thirty-five of the County Courts Admiralty Jurisdiction Act, 1868; and any general rules and orders already made or hereafter to be made by the said assessor for any of the purposes aforesaid shall be of full force and effect as if the same had been made under this or the aforesaid Act.

Commencement of Act.

7. This Act shall come into operation on the first day of September one thousand eight hundred and sixty-nine.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 52.

An Act for the Amendment of "The Shipping Dues Exemption Act, 1867." A.D. 1869.

[2d August 1869.]

WHEREAS by the Shipping Dues Exemption Act, 1867, provision is made for the abolition of certain exemptions from local dues on shipping and on goods carried in ships, and for payment of compensation for such abolition: 30 & 31 Vict. c. 15.

And whereas the said Act contains the following provision; that is to say,

"With respect to determining the amount of compensation to "be paid under this Act, the following rules shall be observed:

"(1.) The claimant shall send to the receiver of dues, and to "the Board of Trade, in writing, his claim to compensa- "tion, stating the amount and grounds of his claim, and "shall give such evidence in support of his claim as the "Board of Trade may require:

"(2.) This claim shall be sent in to the Board of Trade within "three months after the commencement of this Act, and "if it is not sent in within that time the claimant shall "not be entitled to any compensation in respect of the "time prior to the date of the receipt of such claim by "the Board of Trade; and if it is not sent in within one "year after the passing of this Act the claimant shall "not be entitled to any compensation:

"(3.) As soon as may be after receiving such claim, the "receiver of dues shall agree with the claimant on the "amount of the compensation to be paid, and the times "and mode of such payment, but such agreement shall be "subject to the approval of the Board of Trade:"

And whereas in certain cases agreements for compensation have been made between the claimant and the receiver of dues within one year from the passing of the said Act, but the claims have by

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inadvertence not been submitted to the Board of Trade within that time:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Agreements for compensation made within one year from passing of recited Act, may be sent into Board of Trade within one year from passing of this Act.

1. That in any case in which any agreement for compensation under the said Act has been made within one year from the passing thereof, the same may be sent in to the Board of Trade within one year from the passing of this Act, and the Board of Trade may, if satisfied that the omission to send in the same to them has arisen from inadvertence, approve the same, and compensation shall thereupon be paid according to the terms of such agreement: Provided that no such compensation shall be paid in respect of any time prior to the date of such approval as aforesaid.

Construction and short title of Act.

2. This Act shall be construed with and as part of the Shipping Dues Exemption Act, 1867, and may be cited as the Shipping Dues Exemption Act Amendment Act, 1869.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 53.

An Act to amend the Cinque Ports Act. [2d August 1869.] A.D. 1869.

WHEREAS by the Act of the session of the eighteenth and nineteenth years of Her Majesty's reign (chapter forty-eight) "for the better administration of justice in the Cinque Ports" (in this Act called the Cinque Ports Act) provision is made (sections five to eight) for the severance from the town and port of Dover of any district forming part of the members or liberties of that town and port, on the grant of a charter of incorporation to such district; which enactments are amended by the Act of the session of the twentieth and twenty-first years of Her Majesty's reign (chapter one) so that such severance takes effect not immediately on the grant of a charter of incorporation but only on the grant of a court of quarter sessions for the district comprised in any such charter; and it is expedient that the enactments aforesaid be further amended: 18 & 19 Vict. c. 48. 20 & 21 Vict. c. 1.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of sections 6, 7, & 8 of Cinque Ports Act.

1. On section five of the Cinque Ports Act coming into force with respect to any district comprised in a charter of incorporation, sections six, seven, and eight of that Act shall in relation to that district have effect as if the grant of a court of quarter sessions had been therein referred to instead of the grant of a charter of incorporation.

Ascertainment and discharge of liabilities of Margate.

2. On a grant of a court of quarter sessions for the borough of Margate, the Commissioners of Her Majesty's Treasury shall (notwithstanding anything in the Cinque Ports Act) ascertain and determine the capital amount that ought to be paid by the borough of Margate in discharge of the liability of the borough continued or created by the Cinque Ports Act, as amended by this Act, and what other expenses (if any) the borough of Margate will become liable on the severance thereof from Dover to pay to the borough of Dover, and the amount thereof, unless the councils of those boroughs agree on the matters so to be ascertained and deter-

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mined (which they are hereby empowered to do); and the council of the borough of Margate shall, within such time as the councils agree or (in default of their agreement) the Commissioners of Her Majesty's Treasury direct, pay out of the borough fund of that borough the amounts so agreed or ascertained and determined; and on payment thereof that borough shall be by virtue of this Act absolutely discharged from all such liability; and the council of that borough may, with the approval of the Commissioners of Her Majesty's Treasury, (subject and according to the provisions of The Municipal Corporations Mortgages, &c., Act, 1860,) raise any money requisite in that behalf by borrowing the same at interest on the security of the borough fund.

23 & 24 Vict. c. 16.

Recovery of rates due to Dover.

3. All rates which on a grant of a court of quarter sessions for the borough of Margate are due and payable by the churchwardens and overseers of the poor of the parish of St. John the Baptist, in the Isle of Thanet, to the treasurer of the town and port of Dover shall be paid to the deputy or high constable of the liberty wherein that parish is situate, and shall be recoverable as if this Act had not been passed.

Continuance of liability of non-corporate portion of parish.

4. That portion of the parish of Saint John the Baptist, in the Isle of Thanet, which is not comprised within the borough of Margate, shall (notwithstanding the grant of a court of quarter sessions to that borough or this Act) remain and be subject to the provisions of section ten of the Act of the session of the sixth and seventh years of the reign of King William the Fourth (chapter one hundred and five) "for the better administration of justice in certain boroughs," and to such proportionate liability as it would have been subject to under section six of the Cinque Ports Act if that portion of the parish had been originally a separate parish, and had been specified as such in that section, and that section had in terms extended to the debt for the time being charged on the rates in the nature of county rates therein mentioned; which liability shall be satisfied and enforced in manner in that section prescribed, with the substitution only of the police rates for the rates made for the relief of the poor.

6 & 7 W. 4. c. 105. s. 10.

Costs of Act.

5. The costs of the councils of the borough of Margate and town and port of Dover incurred in relation to the obtaining and execution of this Act shall be paid out of the borough fund of the borough of Margate.

Short title.

6. This Act may be cited as The Cinque Ports Act, 1869.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 54.

An Act to amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more "effectual Relief of the destitute Poor in Ireland." A.D. 1869.

[2d August 1869.]

WHEREAS by an Act passed in the session of Parliament holden in the first and second years of the reign of Her present Majesty, intituled "An Act for the more effectual Relief of "the destitute Poor in Ireland," it is amongst other things enacted, that no guardian, paid officer, warden, or other person in whose hands the collection of the rates for the relief of the destitute poor, or the providing for, ordering, management, control, or direction of the destitute poor, of any union shall or may be placed shall, either in his own name or in the name of any other person, provide, furnish, or supply, for his own profit, any materials, goods, or provisions for the use of any workhouse in any union for which he or they shall be appointed or act as such during the time for which he or they shall retain such appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same by action of debt or on the case in any of Her Majesty's Courts of Record at Dublin: 1 & 2 Vict. c. 56.

And whereas it is expedient to amend the said provisions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act no action shall be commenced, or if then commenced shall be prosecuted, by any person, except the Commissioners for administering the laws for the No action to be brought under

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sect. 93. of 1 & 2 Vict. c. 56. without consent of chairman of quarter sessions, except by Poor Law Commissioners.

relief of the poor in Ireland, for the recovery of any forfeiture or penalty incurred or to be incurred by any guardian of any union, or by any person while acting as such, under the provisions of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, without the consent in writing of the chairman of the quarter sessions of the county within which the workhouse of such union is situate, upon application made to him for that purpose, and cause shown in open court at any quarter sessions of such county: Provided always, that of such intended application at least fourteen days notice in writing shall be given to the guardian or guardians against whom such action is intended to be commenced by the person applying for leave to commence the same, and the said guardian or guardians shall, if he or they so desire, be heard upon such application.

Persons sued before the passing of this Act may apply to court or a judge to stay proceedings on certain conditions.

2. From and after the passing of this Act any person against whom any action shall have been brought before the passing of this Act for the recovery of any forfeiture or penalty incurred in any union by such person whilst holding the appointment of guardian of such union, or acting as such, under the provisions of section ninety-three of the said Act of the first and second years of Victoria, chapter fifty-six, may apply to the court in which such action shall have been commenced, or if such court shall not be sitting to any judge of any of the superior courts at Dublin, for an order that such action shall be discontinued upon payment to the plaintiff of all costs incurred up to the time of making such application; and every such court or judge is hereby authorized and required, upon such application, and proof that sufficient notice thereof has been given to the plaintiff or his attorney, to make such order, and upon the making of such order, and payment or tender of such costs as aforesaid, such action shall be forthwith discontinued: Provided always, that if it shall appear to the satisfaction of the said court or judge that any penalty sought to be recovered in any such action has been incurred by the fraud of the defendant, then it shall be lawful for such court or judge to refuse to make such order as to such action, and thereupon to make such other order as the said court or judge shall deem expedient: Provided also, that nothing in this section contained shall apply to any action commenced by the Commissioners for administering the laws for the relief of the poor in Ireland.

Power to judge to remit part of penalty.

3. From and after the passing of this Act, where any action shall have been brought by any person, except the Commissioners for administering the laws for the relief of the poor in Ireland, for the

recovery of any forfeiture or penalty incurred under the provisions of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, and the jury shall find a verdict for the plaintiff, it shall be lawful for the judge before whom such verdict shall have been obtained, if he shall so think fit, to reduce the amount of the penalty so recovered to any sum not less than twenty-five pounds.

Not to extend to actions in which judgment has passed.

4. Nothing herein contained shall extend to any action in which judgment shall have passed before the passing of this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 55.

An Act to shorten the Term of Residence required as a Qualification for the Municipal Franchise, and to make provision for other purposes. [2d August 1869.]

A.D. 1869.

WHEREAS it is expedient to shorten the term of occupation and residence required as a qualification for the Municipal Franchise, and to make provision for other purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Sect. 9. of 5 & 6 W. 4. c. 76. repealed.

One year's occupation to entitle persons to Municipal Franchise.

1. The ninth section of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, shall be repealed, and instead thereof be it enacted, that every person of full age who on the last day of July in any year shall have occupied any house, warehouse, counting-house, shop, or other building within any borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have resided within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions contained in the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the twentieth day of July in such year all such rates, including therein all borough rates, if any, directed to be paid under the provisions of the said Acts, as

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shall have become payable by him in respect of the said premises up to the preceding fifth day of January: Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes: Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who, within twelve calendar months next before the said last day of July, shall have received parochial relief or other alms: Provided also, that the respective distances mentioned in this Act shall be measured in the manner directed by section seventy-six of the Act of the session of the sixth and seventh years of Queen Victoria, chapter eighteen.

6 & 7 Vict. c. 18.

Saving rights under existing burgess roll.

2. Nothing in this Act contained shall affect any existing burgess roll, but every such roll shall continue in force until the first day of November one thousand eight hundred and sixty-nine.

Councillor or alderman may reside within fifteen miles of borough.

3. Any such occupier as aforesaid, who shall be rated in respect of premises as in this Act mentioned, shall be entitled to be elected a councillor or an alderman of any borough, if resident within fifteen miles of said borough, although by reason of his residence beyond seven miles of the borough he is not entitled to be on the burgess roll of such borough, provided that he is otherwise qualified to be on the burgess roll, and to be elected a councillor or an alderman for such borough, and the following enactments shall take effect with respect to such occupiers:

1. The overseers shall make out and publish a separate list containing the name of every such occupier at the same time and in the same manner as the burgess list, and all the provisions of the said Act of the fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same with respect to objections and claims shall, as nearly as circumstances admit, apply to such separate list.
2. The separate list so made out shall be revised in the like manner as the burgess list, and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll.

Qualification for aldermen and councillors.

4. When any borough, consisting of less than four wards, shall at any time hereafter be divided into a greater number of wards, the qualification for an alderman or councillor of such borough shall not be increased or altered in consequence of such division,

but shall continue the same as if such borough consisted of less than four wards. A.D. 1869.

Proprietors of shares in companies not to be deemed contractors, &c., and not to be disqualified from election to municipal offices by reason of such holding.

5. From and after the passing of this Act no person shall be deemed to have had or to have an interest in a contract or employment with, by, or on behalf of the council of any borough by reason only of his having had or having a share or interest in any railway company or in any company incorporated by Act of Parliament or by Royal Charter, or under "The Companies Act, 1862," and no councillor, alderman, or mayor in any municipal corporation shall be deemed to have been or to be disqualified to be elected or to be such councillor, alderman, or mayor by reason only of his having had or having any share or interest in any railway company or in any company incorporated by Act of Parliament or Royal Charter, or under "The Companies Act, 1862," but all elections of councillors, aldermen, or mayors as aforesaid shall be deemed and taken to have been and to be valid, notwithstanding any such share or interest as aforesaid.

Who may nominate for office of auditor and assessor.

6. At any election of auditors, revising assessors, or ward assessors, any person entitled to vote may nominate for the office of auditor or assessor, in like manner as such person can nominate for the office of councillor under and by virtue of the provisions in that behalf contained in the twenty-second Victoria, chapter thirty-five, and the proceedings in relation to such nomination and election shall be in all respects the same as are prescribed in the said Act in relation to the election of councillors.

Time for receipt of nominations.

7. Every nomination for the office of councillor, assessor, or auditor must be sent to the town clerk so that the same shall be received in his office before five o'clock in the afternoon of the last day on which any such nomination may by law be made.

Elections to supply extraordinary vacancies.

8. If an extraordinary vacancy shall happen in the office of assessor, and at the same time a vacancy shall exist or arise in the office of councillor which cannot be legally filled up before the vacant office of assessor has been or can be by law filled up, the election to supply such vacant office of councillor shall be held before the alderman of the ward, or the mayor where the borough is not divided into wards, the continuing assessor, and such burgess (not being a burgess representing or enrolled on the burgess list for that ward, if the borough is divided into wards), as the mayor shall by writing under his hand appoint.

Words importing the masculine

9. In this Act and the said recited Act of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the

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gender to include females.

Acts amending the same, wherever words occur which import the masculine gender the same shall be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, auditors, and assessors.

Act to be construed with 5 & 6 W. 4. c. 76, &c.

10. This Act shall be construed as one with the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, except so far as the same are altered or repealed by this Act, and the words used in this Act shall have the same meaning as in the said Acts.

Extent of Act.

11. This Act shall not apply to Scotland or Ireland.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 56.

An Act to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education. A.D. 1869.

[2d August 1869.]

WHEREAS the Commissioners appointed by Her Majesty under letters patent dated the twenty-eighth day of December one thousand eight hundred and sixty-four, to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and in the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education:

And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title.

2. This Act shall not apply to Scotland or Ireland. Application of Act.

3. This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

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Definition of "endowment."

4. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is dedicated to such charitable uses as are referred to in this Act, in whomsoever such property may be vested, and in whosesoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of "educational endowment."

5. In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, or other authority, and whether it has been made applicable or is applied in the shape—of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school, or to any person bound to teach, or to scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Definition of "endowed school."

6. In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

Interpretation of terms.

7. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment or, other than as master, over any endowed school, or have any power, other than as master, of appointing officers, teachers, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.

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8. Nothing in this Act, save as in this Act expressly provided, shall apply—

Nothing in this Act, except as expressly provided, to apply to certain schools herein named.

(1.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:

(2.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers residences, or playground or gardens attached to such buildings or residences:

(3.) To any school which, at the commencement of this Act, is in receipt of an annual grant out of any sum of money appropriated by Parliament to the civil service, intituled "For Public Education in Great Britain," or to the endowment thereof; unless such school is a grammar school, as defined by the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter seventy-seven, or a school a department of which only is in receipt of such grant:

(4.) To any school (unless it is otherwise subject to this Act) which is maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment:

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school:

(6.) To any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession, or to any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment:

(7.) To any school which, during the six months before the first of January one thousand eight hundred and sixty-nine, was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education.

Reorganization of Endowed Schools.

Schemes for application of educational endowments.

9. The Commissioners (appointed as in this Act mentioned), by schemes made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power, in

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such manner as may render any educational endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make new trusts directions and provisions in lieu of any existing, trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments, or the division of one endowment into two or more endowments.

Schemes as to governing bodies.

10. The Commissioners by any scheme relating to an educational endowment made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not) incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational interests of persons entitled to privileges.

11. It shall be the duty of the Commissioners in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, and that whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

Schemes to extend benefit to girls.

12. In framing schemes under this Act, provision shall be made so far as conveniently may be for extending to girls the benefits of endowments.

Saving of interest of foundationer, master, governing body, &c.

13. It shall be the duty of the Commissioners to provide in any scheme for saving or making due compensation for the following vested interests; namely,

(1.) The interest of any boy or girl who was at the time of the passing of this Act on the foundation of any endowed school:

(2.) The tenure by any person of any exhibition dealt with by any such scheme which was held by him at the time of the passing of this Act:

(3.) Such interest as any teacher or officer in any endowed school appointed to his office before the passing of the Endowed Schools Act, 1868, may have:

(4.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868:

(5.) Such interest as any member of the governing body of any educational endowment appointed to his office before the

passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him :

It shall also be the duty of the Commissioners in any scheme relating to any endowed school to have regard to the rights of patronage which may be at the passing of this Act exercised by any member of the governing body of such school in consequence of any gift or donation made by him.

Not to authorize schemes for interfering with modern endowments, cathedral schools, &c.

14. Nothing in this Act shall authorize the making of any scheme interfering—

(1.) with any endowment, or part of an endowment, (as the case may be,) originally given to charitable uses, or to such uses as are referred to in this Act, less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme:

(2.) with the constitution of the governing body of any school wholly or partly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, unless the dean and chapter of such church assent to the scheme:

(3.) with the constitution of the governing body of any school, which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school assent to the scheme:

(4.) with the constitution of the governing body of any school or with any exhibition (other than one restricted to any schools, or school or district,) forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

As to religious education in day schools.

15. In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the Commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious

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subject, be deprived of any advantage or emolument in such endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of such school present, teaches systematically and persistently any particular religious doctrine from the teaching of which any exemption has been claimed by such a notice as is in this section before provided, the governing body shall, on complaint made in writing to them by the parent, guardian, or person having the actual custody of such scholar, hear the complainant, and inquire into the circumstances, and, if the complaint is judged to be reasonable, make all proper provisions for remedying the matter complained of.

As to religious education in boarding schools.

16. In every scheme (except as herein-after mentioned) relating to an endowed school the Commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of, any scholar who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing body not to be disqualified on ground of religious opinions.

17. In every scheme (except as herein-after mentioned) relating to any educational endowment the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment.

Masters not to be required to be in holy orders.

18. In every scheme (except as herein-after mentioned) relating to an endowed school the Commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.

Schools excepted from provisions as to religion.

19. A scheme relating to—

(1.) any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church; or

(2.) any educational endowment, the scholars educated by which are, in the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this Act) required by the express terms of the original instrument of foundation or of the statutes or regulations made by the founder or under his authority, in his lifetime or within fifty years after his death, (which terms have been observed down to the commencement of this Act,) to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination,

is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship (other than the provisions for the exemption of day scholars from attending prayer or religious worship, or lessons on a religious subject, when such exemption has been claimed on their behalf,) and respecting the qualification of the governing body and masters (unless the governing body, constituted as it would have been if no scheme under this Act had been made, assents to such scheme).

And a scheme relating to any such school or endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, (except for securing such exemption as aforesaid,) or respecting the religious opinions of the governing body or masters.

Transfer of jurisdiction of visitors.

20. In every scheme the Commissioners may, if they think fit, provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates, except in the case of cathedral schools.

They shall also provide that such rights, and powers as aforesaid, if vested in Her Majesty at the commencement of this Act, or if transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

Abolition of jurisdiction of ordinary as to licensing masters.

21. In every scheme the Commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the licensing of masters in any endowed school, or of any jurisdiction arising from such licensing.

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Tenure of office of teachers.

22. In every scheme the Commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and under such circumstances as to the Commissioners may seem expedient.

General provisions.

23. In any scheme the Commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

Apportionment of mixed endowments.

24. Where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable or applied to other charitable uses, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom); that is to say:

(1.) The part of the endowment or annual income derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses;

(2.) The part of the endowment or annual income so applicable to such other charitable uses shall be deemed to be the proportion which, in the opinion of the Commissioners, subject to appeal to Her Majesty in Council, is the average proportion which has during the three years before the passing of this Act been appropriated as regards capital or applied as regards income to such uses, or (if that proportion differs from the proportion which ought in accordance with the express directions of the instrument of foundation or the statutes or regulations during the said three years governing such endowment to have been so appropriated or applied) which ought to have been so appropriated or applied;

(3.) If the proportion applicable to other charitable uses exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme;

(4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council;

(5.) Where during the said three years any portion of the endowment as existing at the commencement of such three years, or the annual income of such portion, has been accumulated and not applied to any purpose, the Charity Commissioners for England and Wales shall determine whether such portion or income is to be considered, for the purposes of this section, as having been appropriated or applied for educational purposes, or for other charitable uses;

(6.) Where by reason of the Act of Parliament, letters patent, decree, scheme, order, or other instrument during the said three years governing an endowment not having during the said three years been duly carried into effect, or being merely provisional, the preceding provisions of this section are not in the opinion of the Charity Commissioners for England and Wales applicable to such endowment, the Charity Commissioners shall determine what proportions shall be considered as applicable to educational purposes, and such other charitable uses respectively.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

New endowment mixed with old buildings, &c.

25. Where an endowment or part of an endowment originally given to charitable uses less than fifty years before the commencement of this Act has, by reason of having been spent on school buildings or teachers residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her Majesty in Council) it cannot conveniently be separated from such old endowment, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act.

Apportionment of old and new endowments.

26. Where part of an endowment has been originally given to charitable uses more than fifty years, and another part less than fifty years before the commencement of this Act, and the two have not become mixed, as mentioned in this Act, so that they cannot conveniently be separated, and the governing body do not assent to the scheme dealing with the modern part of the endowment, the scheme relating to the old part of the endowment shall, subject to appeal to Her Majesty in Council, apportion such parts, and may direct either that the endowment shall be divided and appropriated

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accordingly in manner provided in the scheme, or that the whole endowment shall be vested in the governing body of one of such parts; and that the portion which is to be applied by the governing body of the other part shall be a debt due to them from the other governing body, and shall be a first charge on the endowment after payment of any charges existing thereon at the date of the scheme.

Claims of cathedral schools against Ecclesiastical Commissioners.

27. Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners shall inquire into the adequacy of such educational endowment, and may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners on assenting to any such proposal or any modification of it may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may with their consent be made for carrying such proposal into effect.

As to alteration of schemes.

28. In any scheme the Commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction, provided such alteration shall not be contrary to anything contained in this Act.

Apprenticeship fees, &c.

29. For the purposes of this Act endowments attached to any school for the payment of apprenticeship fees or for the advancement in life or for the maintenance or clothing or otherwise for the benefit of children educated at such school shall be deemed to be educational endowments.

Provided that nothing shall be construed to prevent a scheme relating to any such endowment from providing, if the governing body so desire, for the continued application of such endowment to the same purposes.

Application to education of non-educational charities.

30. In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or partially to any one or more of the following purposes; namely,—

Doles in money or kind;

Marriage portions;

Redemption of prisoners and captives;
Relief of poor prisoners for debt;
Loans;
Apprenticeship fees;
Advancement in life, or
Any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord one thousand eight hundred;

it shall be lawful for the Commissioners, with the consent of the governing body, to declare, by a scheme under this Act, that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall for the purposes of this Act be deemed to be an educational endowment, and may be dealt with by the same scheme accordingly:

Provided that—

(1.) In any scheme relating to such endowment due regard shall be had to the educational interests of persons of the same class in life or resident within the same particular area as that of the persons who at the commencement of this Act are benefited thereby:

(2.) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed.

Procedure for making Schemes.

Appointment of Commissioners for purposes of this Act.

31. For the purposes of this Act it shall be lawful for Her Majesty from time to time to appoint Commissioners (in this Act referred to as "the Commissioners"), and to appoint a secretary to such Commissioners, and to remove any Commissioners or secretary so appointed and appoint others, but the number of such Commissioners shall not exceed three at any one time.

The Commissioners of Her Majesty's Treasury may assign to the Commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty's Treasury may think proper.

The Commissioners, secretary, and other persons so appointed and employed shall not hold office after the expiration of the time limited for the exercise of their powers.

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Preparation of draft scheme.

32. The Commissioners, after such examination or public inquiry as they think necessary, may prepare drafts of schemes for the purposes of this Act, subject to the following conditions; namely,

(1.) Where the gross average annual income of an endowment or of the aggregate educational endowments of an endowed school during the three years next before the first of January one thousand eight hundred and sixty-nine,—

(a) exceeded ten thousand pounds a year, then before the expiration of twelve months, and where it—

(b) exceeded one thousand pounds a year, then before the expiration of six months,

after the commencement of this Act, any governing body of any such endowment may, if they give to the Commissioners such notice as in this section mentioned, prepare and submit to the Commissioners in writing a scheme relating to such endowment, and the Commissioners shall consider such scheme before they themselves prepare any draft of a scheme relating to the same endowment; and any scheme so prepared by the governing body, and submitted to the Commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a draft scheme originally prepared by themselves:

(2.) The notice to be given by a governing body to the Commissioners is a notice of their intention to prepare and submit to the Commissioners a draft of a scheme, which notice shall be in writing, and shall be given to the Commissioners within two months after the commencement of this Act:

(3.) The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment or aggregate endowments of an endowed school.

As to printing and publication of draft schemes.

33. When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Objections and suggestions respecting scheme and alternative scheme.

34. During three months after the first publication of the draft of a scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and

shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the Commissioners relates. A.D. 1869.

Power to make inquiry into schemes.

35. At any time after the expiration of the three months the Commissioners, or any one of them, if they think fit, may hold an inquiry or they may refer the draft of the scheme and the alternative scheme, if any, to an Assistant Commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme or schemes.

As to framing of schemes.

36. As soon as may be after the expiration of the said three months, or the holding of such inquiry by the Commissioners or one of them, or the receipt by the Commissioners of the report of the Assistant Commissioner, on the inquiry held by him (as the case may be), the Commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Committee of Council on Education: Provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners before the Commissioners have prepared the draft of a scheme, the Commissioners shall, if requested by the governing body which submitted it, submit such scheme with their own to the Committee of Council on Education.

Approval of Committee of Council on Education to schemes.

37. The Committee of Council on Education shall consider all schemes so submitted to them, and may, if they think fit, approve any scheme so submitted, and shall cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

If the committee do not approve a scheme submitted to them the Commissioners may frame and submit another scheme in the same manner as if no scheme had been previously framed and submitted; provided that where the Committee of Council on Education have not approved any scheme relating to an endowment, the governing body of which may under this Act prepare and submit a draft of a scheme before the Commissioners prepare a draft of a scheme, such governing body may, within three months after notice of such non-approval (if within one month thereafter they give written notice of their intention to the Commissioners), submit to the Commissioners an amended scheme; and the Commissioners shall consider the same before they frame and submit another scheme relating to the same endowment, and such amended scheme of the governing

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body, if approved by the Commissioners, shall be adopted and proceeded with by them as if it were a scheme originally framed by themselves.

Consent of colleges or hall.

38. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to Queen in Council.

39. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme, on the ground—

(1.) Of any decision of the Commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act; or

(2.) Of the scheme not saving or making due compensation for his or their vested interest as required by this Act;

(3.) Of the scheme being one which is not within the scope of or made in conformity with this Act; or

(4.) (If the governing body are the petitioners,) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled;

such governing body, person, or body corporate may within two months after the publication of the scheme when approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition, and shall have the same power with respect to the costs of all parties to the petition as the Court of Chancery would have if the petition were a proceeding in that court by way either of petition or information for obtaining a scheme.

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Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the Commissioners with such declaration as the nature of the case may require.

Proceedings where scheme is remitted.

40. Where a scheme is remitted with a declaration the Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration.

The Committee may, if they think fit, approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

Schemes, &c. to be laid before Parliament.

41. After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold Her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of such scheme or any part thereof to which such address does not relate.

Exception as to schemes for endowments under 100*l.*

42. Where a scheme relates to an endowment which during the three years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme, so far as it relates to such an endowment.

The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

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New scheme on non-approval.

43. If any scheme or any part thereof is not approved by Her Majesty, then the Commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment of schemes.

44. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Scheme to take effect.

45. A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Effect of scheme.

46. Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of scheme.

47. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Quorum of Commissioners.

48. A scheme of the Commissioners shall not be submitted to the Committee of Council on Education unless two at least of the commissioners have signified in writing their approval of such scheme, but in all other respects one Commissioner may act under this Act.

Power of Commissioners, &c. as to procuring evidence. 18 & 19 Vict. c. 124. ss. 6–9.

49. Section eleven of the Charitable Trusts Act, 1853, (which relates to the production of documents by public officers,) and sections six, seven, eight, and nine of "The Charitable Trust Act, 1855," (relating to evidence, and the attendance and examination of witnesses,) shall extend to the Commissioners and Assistant Commissioners under this Act, as if they were the commissioners and inspectors mentioned in those sections.

Inquiry by public sittings by

50. Where any Commissioner or Assistant Commissioner holds a local inquiry for the purpose of a scheme under this Act,

Commissioners, &c.

whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the Commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

As to report of Assistant Commissioners.

51. The Assistant Commissioner who holds a local inquiry shall make a report in writing to the Commissioners setting forth the result of the inquiry, and where a draft scheme, with or without an alternative scheme, has been referred to him whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

Miscellaneous.

Restriction of powers of Charity Commissioners, Court, &c.

52. During the continuance of the power of making schemes under this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any educational endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the Commissioners under this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment; and the governing body shall conform to any order made or directions given by the Charity Commissioners upon such application.

School chapels appropriated for religious worship free from parochial jurisdiction.

53. The chapel of an endowed school subject to this Act, which either has been before or after the commencement of this Act consecrated according to law, or is authorized for the time being by the bishop of the diocese in which the chapel is situate, by writing under his hand, to be used as a chapel for such school, shall be deemed to be allowed by law for the performance of public worship and the administration of the sacraments according

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to the Liturgy of the Church of England, and shall be free from the jurisdiction and control of the incumbent of the parish in which such chapel is situate.

Quorum of governing body for acting under this Act.

54. The majority of the members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Persons acquiring interest after passing of Act to be subject to scheme.

55. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an endowed school or educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings or teachers residences or buildings connected therewith, except with the written consent of the Commissioners, or under the directions of such a scheme, but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

Service of notices

56. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the Commissioners (after reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by post.

57. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall

be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office. A.D. 1869.

Expenses of Act.

58. The salaries paid and expenses incurred in carrying into effect this Act shall be defrayed out of monies to be provided by Parliament.

Duration of powers of making schemes.

59. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and seventy-two, or such further day not later than the thirty-first of December one thousand eight hundred and seventy-three, as may be appointed by Her Majesty in Council.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 57.

An Act to amend the Law relating to the Protection of Seamen's Clothing and Property. [2d August 1869.] A.D. 1869.

WHEREAS the clothing and property of soldiers are protected by the restraint of the sale thereof, and it is expedient to make the like provisions with respect to seamen's clothing and property:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Seamen's Clothing Act, 1869.

Extent of Act.

2. The dockyard towns to which this Act extends are the towns specified in the schedule to this Act, and for the purposes of this Act the limits of those dockyard towns shall be the limits specified in the second column of the said schedule.

Interpretation of Terms.

3. In this Act—

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "seaman" means every person not being a commissioned, warrant, or subordinate officer who is in or belongs to Her Majesty's navy, and is borne on the books of any one of Her Majesty's ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessels in Her Majesty's service in time of war, is by virtue of any Act for the time being in force for the discipline of the navy, subject to the provisions of such Act:

The term "seaman's property" means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries for sailors on board ship which belong to any seaman.

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Penalty on purchaser of seamen's clothing in dockyard towns.

4. If any person in any dockyard town to which this Act extends detains, buys, exchanges, takes on pawn, or receives from any seaman, or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman, to sell, exchange, or pawn, any seaman's property, he shall, unless he proves that he acted in ignorance of the same being seaman's property, or of the person with whom he dealt being or acting for a seaman, or that the same was sold by order of the Admiralty or Commander-in-Chief, be liable, on summary conviction, to a penalty not exceeding twenty pounds, and if convicted of a second offence, to the same penalty, or, in the discretion of the justices, to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty on dealer, &c. found in possession of seaman's property and not accounting for it.

5. If in any dockyard town to which this Act extends any seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a justice of the peace, (which taking and summoning are hereby authorized,) and the justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned, or otherwise received contrary to the provisions of this Act, then if such person does not satisfy the justice that he came by the seaman's property so found, lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section seaman's property shall be deemed to be in the possession or keeping of any person if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Certain parts of 24 & 25 Vict. c. 96. incorporated with this Act.

6. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, "to consolidate and amend the statute "law of England and Ireland relating to larceny, and other similar "offences," are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, and as if the term "this Act" in those sections included the present Act; namely, section ninety-nine (relating to the punishment of abettors), section one hundred and three (relating to the apprehension of offenders, and search warrants), and sections one hundred and seven to one hundred and thirteen, both inclusive, and section one hundred and twenty (relating to proceedings in the case of summary offences, and appeals therefrom).

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7. Nothing in this Act shall prevent any person from being indicted, or being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Not to prevent persons being indicted under this Act, &c.

A.D. 1869.

SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The limits of the municipal borough of Portsmouth, and of the residue of the island of Portsea, and of the parish of Alverstoke, and of the township of Landport.
Plymouth and Devonport.	The limits of the following places; namely, The municipal borough of Plymouth. The parliamentary borough of Devonport. The parish of Laira. The tithing of Pennycross or Western Peveril. The tithing of Compton Gifford. Torpoint, in the county of Cornwall, within the distance of half a mile from the Ferry gate.
Chatham - -	The limits of the following places; namely, Chatham; Gillingham; Saint Nicholas, Rochester; Saint Margaret, Rochester; The Precincts, Rochester; Brompton; New Brompton; Strood; and Frindsbury; The hamlet of Grange otherwise Grench.
Sheerness - -	The limits of the parish of Minster, and of the township of Queenborough.
Cork - - -	The limits of the borough of Cork for municipal purposes.
Queenstown - -	The limits of the town of Queenstown for the purposes of town improvement.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 58.

An Act for amending the Public Schools Act, 1868. A.D. 1869.

[9th August 1869.]

WHEREAS by the Public Schools Act, 1868, power is given to the governing bodies and commissioners therein mentioned in the case of Westminster to establish a governing body for the school, including boys whether on the foundation or not, either wholly or partially distinct from the Dean and Chapter of Westminster: 31 & 32 Vict. c. 118.

And whereas doubts are entertained whether in the case of the schools to which the said Act applies, other than the School of Westminster, the said governing bodies and commissioners have power to establish a governing body for such schools respectively distinct from the existing governing bodies of the said schools:

And whereas it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power in case of all schools within the Public Schools Act, 1868, to constitute a distinct governing body for the school.

1. It is hereby declared that the power given by the said Public Schools Act to the said governing bodies and commissioners in the case of Westminster School shall be deemed to have extended and to extend to all the schools to which the said Act applies, and the fifth section of the said Act as from the date of the passing thereof shall be construed as if instead of the words "with power in the "case of Westminster to establish a governing body for the school, "including boys whether on the foundation or not, either wholly or "partially distinct from the Dean and Chapter of Westminster," there had been inserted the words "with power in the case of every "school to which this Act applies to establish a governing body for "the school, including boys whether on the foundation or not, either "wholly or partially distinct from the existing governing body of

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"such school, and all statutes made or to be made in relation to "the constitution of the governing body of each of the said schools, "shall be valid accordingly."

Governing bodies to be bodies corporate.

2. Any governing body established for any of the schools to which the said Act applies shall, as in the case of Westminster School, be a body corporate, with perpetual succession and a common seal, and with power to hold lands, for the purposes of the school for which it is established, without licence of mortmain.

Amendment of sect. 27. of recited Act.

3. The following amendment shall be made; (that is to say,)

In section twenty-seven of the said Act the words "a part of" shall be substituted for the words "apart from."

Short title and construction of Act.

4. This Act may be cited for all purposes as "The Public Schools Act, 1869," and shall, so far as is consistent with the tenor thereof, be construed as one with the Public Schools Act, 1868.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 59.

An Act to amend the Laws relating to the Investments for Savings Banks and Post Office Savings Banks. A.D. 1869.

[9th August 1869.]

WHEREAS under the Acts mentioned in the first schedule to this Act annuities of the amounts and terminable at the periods mentioned in that schedule have been created in lieu of capital stocks of annuities held by the Commissioners for the Reduction of the National Debt, on account of the savings banks and post office savings banks respectively, and such annuities stand in the books of the Governor and Company of the Bank of England on the accounts mentioned in the said schedule:

And whereas the payment of such annuities is now made at half-yearly periods, and it is expedient that they should be cancelled, and terminable annuities payable at various periods during the year should be substituted for them:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Savings Bank Investment Act, 1869."

Cancellation of terminable annuities and creation of new annuities.

2. The Commissioners of Her Majesty's Treasury by warrant under their hands from time to time may direct the Governor and Company of the Bank of England to cancel in their books the annuities mentioned in the first schedule to this Act, and in place of such annuities may create and direct the said Governor and Company to inscribe in their books for the Commissioners for the Reduction of the National Debt for savings banks and Post Office savings banks respectively, equivalent annuities terminable at such date, not later than the fifth of July one thousand eight hundred and eighty-five, as the Commissioners of Her Majesty's Treasury may think expedient.

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Annuities cancelled.

3. Upon the issue of any such warrant the annuities therein directed to be cancelled shall, after the date thereof, be cancelled accordingly, and all payments in respect thereof shall thenceforth cease to be payable.

Charge of annuities on Consolidated Fund.

4. Upon the issue of any such warrant the annuities thereby created shall after the date thereof be charged upon the Consolidated Fund, and shall be payable to the Commissioners for the Reduction of the National Debt out of the Consolidated Fund, or out of the growing produce thereof yearly, or half yearly, at such times in each year as may be fixed by such warrant, or as may be from time to time fixed by any subsequent warrant of the Commissioners of Her Majesty's Treasury.

Warrant authority for Bank of England.

5. The warrants of the Commissioners of Her Majesty's Treasury issued under the authority of this Act shall be a sufficient authority to the Governor and Company of the Bank of England for doing the things thereby directed to be done for the purposes of this Act, and copies of such warrants shall be laid before both Houses of Parliament, if Parliament is then sitting, within ten days after the respective dates thereof, and, if not sitting, within ten days after the next meeting of Parliament.

Amount of annuities how ascertained.

6. The amount of the equivalent annuities so to be created shall be certified to the Commissioners of the Treasury under the hands of the Comptroller General or Assistant Comptroller, and of the actuary of the National Debt Office acting under the said Commissioners for the Reduction of the National Debt.

Investment of surplus annuities.

7. The Commissioners for the Reduction of the National Debt shall apply from time to time such parts of any terminable annuities created under the authority of this Act as are not for the time being required to pay the demands of the trustees of savings banks in the purchase of such securities as the Commissioners for the Reduction of the National Debt are for the time being by law empowered to purchase with other moneys received from savings banks.

Repeal of provisions in second schedule to this Act.

8. The Acts specified in the second schedule to this Act are hereby repealed, to the extent therein mentioned, as from the date therein mentioned, subject and without prejudice to anything already done thereunder.

SCHEDULES.

FIRST SCHEDULE.

Annuities.

On account of the Fund for the Banks for Savings.

Created under	Amount.	When terminable.
	£ s. d.	
26 & 27 Vict. c. 25. - -	315,017 0 0	5th April 1885.
29 & 30 Vict. c. 5. - -	171,544 0 0	Do.
30 & 31 Vict. c. 26. - -	445,675 0 0	Do.
30 & 31 Vict. c. 26. - -	1,315,203 0 0	5th July 1885.

On account of the Post Office Savings Bank Fund.

29 & 30 Vict. c. 5. - -	163,414 7 0	5th April 1885.

SECOND SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
26 & 27 Vict. c. 25.	An Act to make further provision for the Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the enactments of the Act 9 Geo. 4. c. 92.	Sections one and four as from the passing of this Act, and section two as from the date of any warrant cancelling the annuities.
29 & 30 Vict. c. 5.	An Act for amending the laws relating to the Investments on account of Savings Banks and Post Office Savings Banks.	So much as relates to the capital stock of two million five hundred thousand pounds as from the date of any warrant cancelling the annuities created in lieu thereof.
30 & 31 Vict. c. 26.	An Act to provide for the conversion of twenty-four million pounds sterling of the National Debt into Terminable Annuities.	The whole Act as from the date of any warrant cancelling the annuities created under that Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869

CHAP. 60.

An Act to alter and amend the Acts enabling Her Majesty to grant Pensions to persons having held certain high civil offices. [9th August 1869.] A.D. 1869.

WHEREAS it is expedient to amend the law relating to pensions to be granted to persons who have held offices in the civil service of the Crown which are usually held by members of the House of Lords or the House of Commons, and which offices are herein-after referred to as political offices: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act.

1. This Act, with the exception of the reservation herein-after contained, shall not apply to any office in the permanent civil service of the Crown or in Her Majesty's household, or to any legal office, other than the office of Judge Advocate General.

Classification of political offices.

2. Political offices shall for the purposes of this Act be divided into three classes; viz.:—

Class 1. Containing the office of the First Lord of the Admiralty and all other political offices remunerated with a yearly salary of not less than five thousand pounds:

Class 2. Containing all such offices remunerated with a yearly salary of less than five thousand pounds and not less than two thousand pounds:

Class 3. Containing all such offices remunerated with a yearly salary of less than two thousand pounds and more than one thousand pounds.

Limit of amount of pensions.

3. Subject to the provisions of this Act Her Majesty may, if She shall think fit, by warrant under her royal sign manual, countersigned by two or more Commissioners of Her Majesty's Treasury, grant to any person in respect of his services, whether before or

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after the passing of this Act, in any office included in any of the above classes, a pension during life according to the following scale, viz. :—

1st. A first-class pension, not exceeding two thousand pounds a year, in respect of a service of not less than four years, or its equivalent, in an office of the first class.

2d. A second-class pension, not exceeding one thousand two hundred pounds a year, in respect of a service of not less than six years, or its equivalent, in an office of the second class.

3d. A third-class pension, not exceeding eight hundred pounds a year, in respect of a service of not less than ten years in an office of the third class.

Mode of calculating time of service.

4. For the purposes of this Act, service for any time in an office of the third class shall count as service for one half of that time in an office of the second class; and service for any time in an office of the second class shall count as service for one half of that time in an office of the first class; but no person shall be entitled to a first-class pension who has not actually served two years in an office of the first class, nor to a second-class pension who has not actually served three years in an office of the second class. Any person who, having served for three years in a lower class, has afterwards served in a higher class for such time as would, if the service had been in the lower class, have entitled him to a pension in the lower class, shall be entitled to reckon the whole of his service as if it had been passed in the lower class.

The time of service in political offices may for the purposes of this Act be continuous or at different times and in different offices of the above classes; but no pension under this Act shall be granted in any class while four pensions of that class are subsisting; nor shall more than one pension under this Act be granted in the same year: Provided that no office hereafter created shall be entitled to rank as one of the political offices within the meaning of this Act, unless such office shall have been created by Act of Parliament, nor shall in future any addition to the salary of any political office now existing, or hereafter to be created, made otherwise than under the authority of an Act of Parliament, entitle such office to rank in any higher class than that in which it would have ranked without such addition.

Pensions payable out of Indian revenue.

5. Pensions in respect of service in offices the salary of which is paid out of the revenues of India shall be paid out of those revenues.

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Pensioner not to hold pension under another Act.

6. Where a person receiving a pension under this Act was at the time of his application for such pension, or is afterwards, entitled to any emolument (including in the term any salary, compensation, superannuation allowance or pension,) which is payable out of any monies raised by taxation or out of other public revenue in any part of Her Majesty's dominions, or is received by way of fees or otherwise in respect of his holding any public office or employment in any part of Her Majesty's dominions, the payment of the pension under this Act shall, so long as he receives such emolument, if the amount thereof is greater than or equal to the pension under this Act, be suspended, and if less be diminished by the amount of such emolument; and if any person is at the time of his application for or while receiving a pension under this Act entitled to any such emolument, he shall forthwith deliver to the Commissioners of Her Majesty's Treasury a declaration under his hand stating the nature and amount thereof.

Sect. 6 of 4 & 5 W. 4. c. 24. to apply to pensions under this Act.

7. Section six of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter twenty-four, shall apply to pensions under this Act in the same manner as if they had been granted under the provisions of the said Act.

Pensions under this Act payable quarterly out of the Consolidated Fund.

8. Every pension, not being chargeable on the revenues of India, granted under this Act shall be issued and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland next in order of payment to and after paying or reserving sufficient to pay all such sums of money as have been directed to be paid by any former Act or Acts, but with preference to all other payments hereafter to be charged thereon as aforesaid, and the same shall from time to time be paid and payable quarterly.

Repeal of provisions in schedule to this Act.

9. The Acts specified in the schedule to this Act are hereby repealed to the extent in the schedule mentioned:

Provided that—

(1.) This repeal shall not affect any pensions which have been granted under any of the said Acts before the passing of this Act and are still in force, and those Acts shall apply to such pensions as if this Act had not passed.

(2.) Where a person is qualified by service before the passing of this Act to receive a pension under any of the said Acts, it shall be lawful for Her Majesty to grant a pension to such person in pursuance of those Acts; and those Acts shall apply, in the case of such pension, in the same manner as if this Act had not passed.

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(3.) Where a person who is in the permanent civil service of the state is qualified by service before the passing of this Act to receive a pension under any of the said Acts, or would but for this repeal have become so qualified by service partly before and partly after the passing of this Act, then either—

22 & 23 Vict. c. 26.

(*a*) Such person may claim a superannuation allowance under the Superannuation Act, 1859:

Or,

(*b*) Such person may claim, and Her Majesty may grant to him, a pension under the provisions of the said Acts; and those Acts shall apply, in the case of such pension, in the same manner as if this Act had not passed.

Short title.

10. This Act may be cited as "The Political Offices Pension Act, 1869."

SCHEDULE.

ACTS REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
57 Geo. 3. c. 65. -	An Act to enable His Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices.	The whole Act.
6 Geo. 4. c. 90. -	An Act to amend an Act of the fifty-seventh year of His late Majesty, for enabling His Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices.	The whole Act.
4 & 5 Will. 4. c. 24.	An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's service.	Sections one, two, three, four, five, and seven.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 61.

An Act to protect the Funds of Trades Unions from Embezzlement and Misappropriation. [9th August 1869.] A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions of the 18 & 19 Vict. c. 63. to apply to certain associations.

1. An association of persons having rules, agreements, or practices among themselves as to the terms on which they or any of them will or will not consent to employ or to be employed shall not, by reason only that any of such rules, agreements, or practices may operate in restraint of trade, or that such association is partly for objects other than the objects mentioned in the Friendly Societies Acts, be deemed, for the purposes of the twenty-fourth section of the Friendly Societies Act, 1855, for the punishment of frauds and impositions, to be a society established for a purpose which is illegal, or not to be a friendly society within the meaning of the forty-fourth section of the said Act.

Duration of Act.

2. This Act shall not continue in force after the last day of August one thousand eight hundred and seventy.

Short title.

3. This Act may be cited as "The Trades Unions Funds Protection Act."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 62.

An Act for the Abolition of Imprisonment for Debt, for the punishment of fraudulent debtors, and for other purposes. A.D. 1869.

[9th August 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Debtors Act, 1869."

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Commencement and construction of Act.

3. This Act shall not come into operation until the day on which The Bankruptcy Act, 1869, comes into operation, which day is herein-after referred to as the commencement of this Act, and words and expressions defined or explained in The Bankruptcy Act, 1869, shall have the same meaning in this Act.

PART I.

Part I.

Abolition of Imprisonment for Debt.

Abolition of imprisonment for debt, with exceptions.

4. With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money.

There shall be excepted from the operation of the above enactment:

1. Default in payment of a penalty, or sum in the nature of a penalty, other than a penalty in respect of any contract:
2. Default in payment of any sum recoverable summarily before a justice or justices of the peace:
3. Default by a trustee or person acting in a fiduciary capacity and ordered to pay by a court of equity any sum in his possession or under his control:

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Part I.

4. Default by an attorney or solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the court making the order:

5. Default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any court having jurisdiction in bankruptcy is authorized to make an order:

6. Default in payment of sums in respect of the payment of which orders are in this Act authorized to be made:

Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.

Saving of power of committal for small debts.

5. Subject to the provisions herein-after mentioned, and to the prescribed rules, any court may commit to prison for a term not exceeding six weeks, or until payment of the sum due, any person who makes default in payment of any debt or instalment of any debt due from him in pursuance of any order or judgment of that or any other competent court.

Provided—(1.) That the jurisdiction by this section given of committing a person to prison shall, in the case of any court other than the superior courts of law and equity, be exercised only subject to the following restrictions; that is to say,

(*a.*) Be exercised only by a judge or his deputy, and by an order made in open court and showing on its face the ground on which it is issued:

(*b.*) Be exercised only as respects a judgment of a superior court of law or equity when such judgment does not exceed fifty pounds, exclusive of costs:

(*c.*) Be exercised only as respects a judgment of a county court by a county court judge or his deputy.

(2.) That such jurisdiction shall only be exercised where it is proved to the satisfaction of the court that the person making default either has or has had since the date of the order or judgment the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

Proof of the means of the person making default may be given in such manner as the court thinks just; and for the purposes of

such proof the debtor and any witnesses may be summoned and examined on oath, according to the prescribed rules.

Any jurisdiction by this section given to the superior courts may be exercised by a judge sitting in chambers, or otherwise, in the prescribed manner.

For the purposes of this section any court may direct any debt due from any person in pursuance of any order or judgment of that or any other competent court to be paid by instalments, and may from time to time rescind or vary such order:

Persons committed under this section by a superior court may be committed to the prison in which they would have been confined if arrested on a writ of capias ad satisfaciendum, and every order of committal by any superior court shall, subject to the prescribed rules, be issued, obeyed, and executed in the like manner as such writ.

This section, so far as it relates to any county court, shall be deemed to be substituted for sections ninety-eight and ninety-nine of the County Court Act, 1846, and that Act and the Acts amending the same shall be construed accordingly, and shall extend to orders made by the county court with respect to sums due in pursuance of any order or judgment of any court other than a county court.

No imprisonment under this section shall operate as a satisfaction or extinguishment of any debt or demand or cause of action, or deprive any person of any right to take out execution against the lands, goods, or chattels of the person imprisoned, in the same manner as if such imprisonment had not taken place.

Any person imprisoned under this section shall be discharged out of custody upon a certificate signed in the prescribed manner to the effect that he has satisfied the debt or instalment of a debt in respect of which he was imprisoned, together with the prescribed costs (if any).

Power under certain circumstances to arrest defendant about to quit England.

6. After the commencement of this Act a person shall not be arrested upon mesne process in any action.

Where the plaintiff in any action in any of Her Majesty's superior courts of law at Westminster, in which, if brought before the commencement of this Act, the defendant would have been liable to arrest, proves at any time before final judgment by evidence on oath, to the satisfaction of a judge of one of those courts, that the plaintiff has good cause of action against the defendant to the amount of fifty pounds or upwards, and that there is probable cause for believing that the defendant is about to quit England unless he be apprehended, and that the

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absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, such judge may in the prescribed manner order such defendant to be arrested and imprisoned for a period not exceeding six months, unless and until he has sooner given the prescribed security, not exceeding the amount claimed in the action, that he will not go out of England without the leave of the court.

Where the action is for a penalty or sum in the nature of a penalty, other than a penalty in respect of any contract, it shall not be necessary to prove that the absence of the defendant from England will materially prejudice the plaintiff in the prosecution of his action, and the security given (instead of being that the defendant will not go out of England) shall be to the effect that any sum recovered against the defendant in the action shall be paid, or that the defendant shall be rendered to prison.

Discharge of persons in custody at the commencement of this Act.

7. Where any person is, at the commencement of this Act, in custody in pursuance of a writ, attachment, or other process in any case in which he would not be liable to be arrested or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody without payment of any fees, but his arrest, imprisonment, or discharge shall not affect the creditor's rights or remedies for enforcing the payment of any money due to him, or deprive the creditor of the benefit of any charge or security on any property of the debtor.

Where at the commencement of this Act special bail has been given in any action the defendant in which after the commencement of this Act cannot be imprisoned on making default in satisfying the judgment recovered against him in such action, the condition of such bail, instead of being that the judgment shall be satisfied or the defendant rendered to prison, shall be deemed to be that the defendant shall not go out of England without leave of the court.

Saving for sequestration against property.

8. Sequestration against the property of a debtor may, after the commencement of this Act, be issued by any court of equity in the same manner as if such debtor had been actually arrested.

Saving for Bankruptcy Act, 1869.

9. Nothing in this part of this Act shall in any way affect any right or power, under The Bankruptcy Act, 1869, to arrest or imprison any person.

Definition of "prescribed."

10. In this part of this Act the term "prescribed" means as follows:—

As respects the superior courts of common law, prescribed by general rules to be made in pursuance of The Common Law Procedure Act, 1852;

As respects the superior courts of equity, prescribed by general rules and orders to be made in pursuance of the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty;

As respects the county courts, prescribed by general rules to be made under the County Court Act, 1856; and

As respects any other court, prescribed by the rules to be made, with the approval of the Lord Chancellor, by the persons having power to make rules in relation to the practice of such court; or if there be no such persons, by the judge of such court:

And general rules and orders may respectively be made by such authorities as aforesaid, for the purpose of carrying into effect this part of this Act.

PART II.

Punishment of Fraudulent Debtors.

Punishment of fraudulent debtors.

11. Any person adjudged bankrupt, and any person whose affairs are liquidated by arrangement in pursuance of The Bankruptcy Act, 1869, shall, in each of the cases following, be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour; that is to say,

1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee administering his estate for the benefit of his creditors all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud:
2. If he does not deliver up to such trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless the jury is satisfied that he had no intent to defraud:
3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud:

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4. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had no intent to defraud:

5. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he fraudulently removes any part of his property of the value of ten pounds or upwards:

6. If he makes any material omission in any statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud:

7. If, knowing or believing that a false debt has been proved by any person under the bankruptcy or liquidation, he fail for the period of a month to inform such trustee as aforesaid thereof:

8. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

9. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

10. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law:

11. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months next before such presentation or commencement, he

fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs:

12. If after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or at any meeting of his creditors within four months next before such presentation or commencement, he attempts to account for any part of his property by fictitious losses or expenses:

13. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same:

14. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless the jury is satisfied that he had no intent to defraud:

15. If within four months next before the presentation of a bankruptcy petition against him or the commencement of the liquidation, he, being a trader, pawns, pledges, or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud:

16. If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy or liquidation.

Penalty for absconding with property.

12. If any person who is adjudged a bankrupt or has his affairs liquidated by arrangement after the presentation of a bankruptcy petition against him or the commencement of the liquidation, or within four months before such presentation or commencement, quits England and takes with him, or attempts or makes preparation for quitting England and for taking with him, any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of felony, punishable with imprisonment for a time not exceeding two years, with or without hard labour.

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Penalty on fraudulently obtaining credit, &c.

13. Any person shall in each of the cases following be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour; that is to say,

(1.) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud:

(2.) If he has with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property:

(3.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

False claim, &c. a misdemeanor.

14. If any creditor in any bankruptcy or liquidation by arrangement or composition with creditors in pursuance of The Bankruptcy Act, 1869, wilfully and with intent to defraud makes any false claim, or any proof, declaration, or statement of account which is untrue in any material particular, he shall be guilty of a misdemeanor, punishable with imprisonment not exceeding one year, with or without hard labour.

Debts incurred by fraud.

15. Where a debtor makes any arrangement or composition with his creditors under the provisions of The Bankruptcy Act, 1869, he shall remain liable for the unpaid balance of any debt which he incurred or increased, or whereof before the date of the arrangement or composition he obtained forbearance, by any fraud, provided the defrauded creditor has not assented to the arrangement or composition otherwise than by proving his debt and accepting dividends.

Order by court for prosecution on report of trustee.

16. Where a trustee in any bankruptcy reports to any court exercising jurisdiction in bankruptcy that in his opinion a bankrupt has been guilty of any offence under this Act, or where the court is satisfied upon the representation of any creditor or member of the committee of inspection that there is ground to believe that the bankrupt has been guilty of any offence under this Act, the court shall, if it appears to the court that there is a reasonable probability that the bankrupt may be convicted, order the trustee to prosecute the bankrupt for such offence.

Expenses of prosecutions.

17. Where the prosecution of the bankrupt under this Act is ordered by any court, then, on the production of the order of the court, the expenses of the prosecution shall be allowed, paid, and borne as expenses of prosecutions for felony are allowed, paid, and borne.

Application of Vexatious Indictments Act to offences under this Act.

18. Every misdemeanor under the Second Part of this Act shall be deemed to be an offence within and subject to the provisions of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intituled "An Act to prevent vexatious indictments for certain misde- "meanors;" and when any person is charged with any such offence before any justice or justices, such justice or justices shall take into consideration any evidence adduced before him or them tending to show that the act charged was not committed with a guilty intent.

Form of indictment.

19. In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged, in the words of this Act specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant, or document of any court acting under The Bankruptcy Act, 1869.

Quarter sessions to have jurisdiction in respect of offences under Act.

20. So much of the Act of the session of the fifth and sixth years of Her Majesty's reign (chapter thirty-eight), "to define the "jurisdiction of justices in general and quarter sessions of the "peace," as excludes from the jurisdiction of justices and recorders at sessions of the peace or adjournments thereof the trial of persons for offences against any provision of the laws relating to bankrupts, is hereby repealed as from the passing of this Act; and any offence under this Act shall be deemed to be within the jurisdiction of such justices and recorders.

Mayors, &c. disqualified by arrangements.

21. The provisions of the Act of the session of the fifth and sixth years of William the Fourth, chapter seventy-six, for the regulation of municipal corporations, sections fifty-two and fifty-three, as to the disqualification of mayors, aldermen, and town councillors having been declared bankrupt or having compounded by deed with their creditors, shall extend to every arrangement or composition by a mayor, alderman, or town councillor with his creditors under The Bankruptcy Act, 1869, whether the same is made by deed or otherwise.

Justices of the peace becoming bankrupt or arranging with creditors.

22. If any person being assigned by Her Majesty's Commission to act as a justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under The Bankruptcy Act, 1869, he shall be and remain incapable of acting as a justice of the peace until he has been newly assigned by Her Majesty in that behalf.

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Punishments under this Act cumulative.

23. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

Part III.

PART III.

Warrants of Attorney, Cognovits, and Orders for Judgment.

Warrants of attorney and cognovit actionem to be executed in the presence of an attorney on behalf of the person.

24. After the commencement of this Act, a warrant of attorney to confess judgment in any personal action or cognovit actionem given by any person shall not be of any force unless there is present some attorney of one of the superior courts on behalf of such person expressly named by him and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney.

Warrant, &c. not formally executed invalid.

25. A warrant of attorney to confess judgment or cognovit actionem not executed in manner aforesaid shall not be rendered valid by proof that the person executing the same did in fact understand the nature and effect thereof, or was fully informed of the same.

Filing of warrant of attorney and cognovit actionem.

26. Where in an action a warrant of attorney to confess judgment or a cognovit actionem is given, and the same, or a true copy thereof, is not filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days next after the execution thereof as required by the Act of the third year of the reign of King George the Fourth (chapter thirty-nine), "for preventing frauds upon creditors by "secret warrants of attorney to confess judgment," the same shall be deemed fraudulent and shall be void; and if any such warrant of attorney or cognovit actionem so filed was given subject to any defeasance or condition, such defeasance or condition shall be written on the same paper or parchment with the warrant or cognovit before the filing thereof, otherwise the warrant or cognovit shall be void.

Filing of judge's order to enter up judgment.

27. Where a judge's order made by consent is given by a defendant in a personal action whereby the plaintiff is authorized forthwith or at any future time to sign or enter up judgment, or to issue or to take out execution, whether such order is made subject

to any defeasance or condition or not, then if the action is in the Court of Queen's Bench the order, and if the action is in any other court a true copy of the order, shall, together with an affidavit of the time of such consent being given, and a description of the residence and occupation of the defendant, be filed with the officer acting as clerk of the docquets and judgments in the Court of Queen's Bench within twenty-one days after the making of the order, otherwise the order and any judgment signed or entered up thereon, and any execution issued or taken out on such judgment, shall be void.

Application of 3 Geo. 4. c. 39. and 6 & 7 Vict. c. 66. to judge's orders.

28. The provisions of the said Act of the third year of King George the Fourth, and of the Act of the session of the sixth and seventh years of Her Majesty's reign (chapter sixty-six), "to enlarge "the provisions of an Act for preventing frauds upon creditors by "secret warrants of attorney to confess judgment," for liberty to file a warrant of attorney or cognovit actionem, or a copy thereof, with the clerk of the docquets and judgments, and for that clerk to make certain entries and search in relation thereto, and for entering satisfaction thereon, and for fees for search, and filing and taking office copies, shall extend and be applicable to every such judge's order.

Exemption from act of foreign attachment.

29. Nothing in this Act contained shall affect the custom of foreign attachment as exercised by any competent court, or the proceedings in relation to such custom.

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CHAP. 63.

An Act to amend The Metropolitan Poor Act, 1867. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient that sundry amendments should be made in The Metropolitan Poor Act, 1867: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 30 & 31 Vict. c. 6.

Poor Law Board empowered to dissolve asylum and school districts and unions.

1. The Poor Law Board, as and when they shall see fit, may dissolve any asylum or school district contained wholly or partly in the metropolis, and upon such dissolution shall adjust the rights and liabilities of parishes and unions comprised therein respectively, and provide for the compensation of the officers and other persons employed therein, in like manner as when a union is dissolved under the authority of the thirty-second section of The Poor Law Amendment Act, 1834; and so much of that section as requires the concurrence of two-thirds of the guardians in the dissolution of any union is hereby repealed; and prior to issuing any order dissolving such district, the said board may by their order empower the managers of such district to sell and dispose of any land, buildings, or other property belonging to them, and to apply the produce thereof in discharge of the debts and liabilities then outstanding against such managers, and to distribute any surplus which may remain among the parishes or unions comprised therein according to their original proportions, and if the said district shall be dissolved before the same shall be sold, the said board may by their order empower the persons who were the managers of the district at the time of its dissolution, or the major part of them, to make such sale, and to convey the land to the purchaser thereof, and to apply and distribute the produce accordingly.

Provision for the amalgamation of

2. Where the union or unions and parish or parishes, or unions or parishes, constituting any district formed under The Poor Law

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the several parts of a district into one union.

Amendment Act, 1844, or under The Metropolitan Poor Act, 1867, shall have been or shall be formed into one union for the relief of the poor, all the property, real and personal, of the board of managers shall be transferred to, and shall vest in, the guardians of the said union, and the liabilities, obligations, and debts of the said board of managers shall be, in like manner, transferred to and be discharged by the said guardians.

Provision for parish workhouse in unions upon which union money has been expended.

3. Where the guardians of any union shall at any time, under the orders of the Poor Law Commissioners or the Poor Law Board, have borrowed money and expended it upon the improvement or enlargement of the workhouse or other property belonging to any parish comprised within the union, and such workhouse or property shall afterwards be sold or let, the guardians shall be entitled to receive out of the purchase money or rents such an amount as in the judgment of the Poor Law Board shall appear reasonable, and the same shall be appropriated for the benefit of the said union in such manner as the said board shall by their order direct.

Poor Law Board empowered to adjust parts of divided parishes.

4. Where several parts of any parish are separated from one another and it shall appear to the Poor Law Board that the relief to the poor in such parish can be better administered by means of a readjustment of those parts, the said board may, by an order under seal, make a readjustment of such parts, by incorporation with an adjoining parish or otherwise, in such manner as shall seem to them to be most expedient; and they shall, after the issuing of such order, make all such regulations for the adjustment of the rights and liabilities of the parts of the parishes respectively affected by the said order as the nature of the case shall in their judgment require.

Provision for the dealing with the property vested in a board of guardians of a parish on the dissolution of the board.

5. Where upon the constitution of a board of guardians for any parish under the order of the Poor Law Commissioners or the Poor Law Board any workhouse, land, goods, effects, or other real or personal estate then vested in or belonging to any body or persons in trust for the parish, became vested in or transferred to such guardians, and the board so constituted has been or shall be dissolved or has otherwise ceased or shall cease to exist, such workhouse, land, goods, effects, or other real or personal estate shall, upon such dissolution or cessation, be by virtue of this Act revested in and transferred to the body or persons if still subsisting in whom the same were vested, or to whom the same belonged when any such board was constituted, to be held upon the same trusts and with the same rights and obligations as

existed when the property was previously held by such body or persons, and subject to all obligations lawfully created by the said board while the same was vested in them; and if there should be no such body or persons subsisting in whom the same can be so vested, and as regards all property acquired by the said board otherwise than as aforesaid, the same shall in like manner, upon such dissolution or cessation, vest in and be transferred to the churchwardens and overseers of the poor, or the overseers of the poor only, as the case may be, of the said parish, upon such trusts, with the same rights and subject to the same obligations as aforesaid; and the seventeenth section of "The Poor Law Amendment Act, 1867," is hereby repealed.

Qualification of managers of asylum districts.

6. The qualification of managers referred to in section 10 of The Metropolitan Poor Act, 1867, shall be deemed to have been and to be that which the Poor Law Board are empowered to prescribe by the twelfth section of the said Act.

Provision for the acting managers of a parish in a district where such parish is added to a union.

7. When any parish or union comprised in a district formed as aforesaid shall have been, or shall be added to a union, or shall be formed into a union with some other parish, without being separated from the district, every manager elected or nominated for such parish or union shall continue to act as a member of the board of managers for such district until the term for which he was elected or nominated shall have expired, and the board of management shall continue to be legally constituted, notwithstanding any such change in the separate parishes or unions combined therein; and where the Poor Law Board shall have nominated guardians in any union or parish, the board of guardians shall continue to be legally constituted, and such nominated guardians to be qualified to act until the expiration of the term for which they were nominated, notwithstanding any increase in the number of ex-officio guardians in the meantime.

Registrars of births and deaths to continue in office notwithstanding dissolution of union.

8. Every registrar of births and deaths or marriages acting for any district in a union or parish, on or after the twenty-fourth day of June one thousand eight hundred and sixty-nine, shall be entitled to continue in office notwithstanding the dissolution of the union, or the addition or separation from a union of the parish or parishes comprising the district for which he acts, to the same extent as if such dissolution, addition, or separation had not taken place; but this section shall not apply to any such registrar whose office has been determined prior to the passing of this Act.

How loans in districts to be charged.

9. The paragraph numbered 2 in the seventeenth section of The Metropolitan Poor Act, 1867, is hereby repealed, and the sums of

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money now borrowed or hereafter to be borrowed by the managers of any district under the authority of that or any subsequent Act shall, with interest thereon, be charged upon and paid off out of the common fund of the district.

Sect. 24 of 31 & 32 Vict. c. 122. extended to auditors under 30 & 31 Vict. c. 6.

10. The twenty-fourth section of "The Poor Law Amendment Act, 1868," shall apply to the auditors appointed under the authority of "The Metropolitan Poor Act, 1867."

Guardians and managers may provide ships for the training of boys for the sea service.

11. The guardians of any union or parish and the managers of any school or asylum district may, with the consent of the Poor Law Board, purchase, hire, or otherwise acquire and fit up and furnish one or more ships to be used for the training of boys for the sea service, and every such ship shall be deemed to be a school or asylum, as the case may be, within the meaning of "The Metropolitan Poor Act, 1867," and the several Acts therein referred to as "the Poor Law Acts" respectively.

Where dispensary provided the establishment of a dispensary committee not to be peremptory.

12. Where the guardians of any union or parish provide a dispensary for their union or parish, it shall not be necessary that a dispensary committee shall be appointed for such dispensary unless the guardians apply to the Poor Law Board to issue an order for that purpose and the Poor Law Board issue such order accordingly.

Where a dispensary is provided, guardians shall provide a place for the attendance of sick poor and medical officer.

13. If the guardians provide a place for the dispensing of medicines for the relief of the sick poor of the union or parish, or of a district therein, under the authority of any other Act than The Metropolitan Poor Act, 1867, they shall, if required by the Poor Law Board to do so, provide a proper room at such place where the medical officer of such union or parish, or of the district comprising such place, may see such of the sick poor as attend there for advice, and every medical officer of the union, parish, or district, as the case may be, shall, personally or by his authorized substitute, attend at that place during the times to be fixed for this purpose by the said guardians with the approval of the Poor Law Board.

If guardians refuse or neglect to provide a dispensary, no allowance to be made out of metropolitan common fund for medicines and medical officers salaries.

14. If the guardians of any union or parish, after being required by the said board to provide a dispensary under The Metropolitan Poor Act, 1867, or under the authority of any other Act, neglect or refuse to comply with such requisition, no repayment shall be made from the metropolitan common poor fund to the guardians of such union or parish in respect of any medicine or medical or surgical appliances supplied by them to the poor of the union or parish, or in respect of the salaries of the medical officers of such union or parish, until the guardians provide a dispensary in

conformity with the requisition of the Poor Law Board, from which time the right to such repayment shall again accrue.

Vaccination expenses.

15. No expenses of vaccination shall be repaid out of the said fund which shall have been incurred without the authority or without the approval of the Poor Law Board.

Arrangements with public general hospitals.

16. It shall be lawful for any board of guardians, with the consent of the Poor Law Board, to enter into arrangements with any public general hospital or dispensary situate within the limits of the parish or union for which the said board act, to receive and treat pauper patients on terms to be arranged between the board of guardians, with the sanction of the Poor Law Board, and the authorities of the hospital or dispensary, as the case may be.

Guardians may provide in their workhouses for the maintenance of particular classes of poor, and receive therein poor of the same class from other unions and parishes.

17. The guardians of any union or parish may, with the approval of the Poor Law Board, set apart any ward or portion of their workhouse for the reception of particular classes or descriptions of poor persons, and provide separate maintenance and treatment for them therein, subject to such regulations as the said board may at any time order or approve of, and may, with their consent, receive and maintain therein any poor person of the same class or description chargeable to any other union or parish upon such terms as shall be mutually agreed upon by the respective boards of guardians; and every such poor person so received into such workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same regulations and liabilities as the other poor persons of the same class or condition, and shall be deemed to be chargeable in the first instance to the common fund of the union or to the parish in whose workhouse such poor person shall be received; provided that the abiding of such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if such workhouse had been situated within the union or parish from which such poor person shall have been sent.

Compensations to be charged on the metropolitan common poor fund.

18. The compensation payable to any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, and any compensation awarded by the Poor Law Board under section one of this Act, shall be paid by the guardians of such one of the parishes or unions affected by the addition, alteration, or dissolution, as the Poor Law Board may by order direct, and shall be repaid to such guardians out of the metropolitan common poor fund.

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Provision as to computing time of service of officers derived of office under this Act.

19. In computing the time of the services of any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, any period during which such officer shall have been in the service of a vestry, district board, or other parochial board of the same parish shall, with the consent of such vestry, district board, or other parochial board, be included.

Repeal of 29th section of "The Metropolitan Poor Act, 1867."

20. So much of the twenty-ninth section of "The Metropolitan Poor Act, 1867," as authorizes the use of any asylum for the sick or insane for the purposes of a medical school, is hereby repealed.

Maintenance of orphans charged to common fund.

21. The cost of the maintenance and instruction of orphan or deserted children placed out by the guardians of any parish or union, with the consent of the Poor Law Board, shall be repaid to the guardians from the metropolitan common poor fund.

Readjustment of boundaries between two parishes by agreement of vestries.

22. When the boundaries between any two parishes are irregular or inconvenient, it shall be lawful for the vestries of such parishes to enter into an agreement to re adjust such boundaries, and such agreement shall be submitted to the Poor Law Board for their approval, and such board shall, if they think fit, by an order under seal, confirm such agreement, and shall make such regulations for the adjustment of the rights and liabilities of the parishes affected by the said order as the nature of the case shall in their judgment require.

Interpretation clause.

23. The term "common fund of the district" shall mean the fund raised by contributions from the unions and parishes forming the district assessed on and contributed by them in conformity with the provisions of The Metropolitan Poor Act, 1867, and words in this Act shall be construed in like manner as in The Metropolitan Poor Act, 1867, and The Poor Law Amendment Act, 1834, and subsequent Acts amending and extending the same, and the provisions contained in the said several Acts and not repealed shall, so far as they shall be consistent herewith, be extended to this Act.

Act only to apply to the metropolis.

24. This Act shall, except where otherwise provided, apply to the metropolis only.

Short title.

25. This Act may be cited and described for all purposes as The Metropolitan Poor Amendment Act, 1869.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 64.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other rates and taxes. A.D. 1869.

[9th August 1869.]

WHEREAS an Act was passed in the seventh and eighth years of the reign of His Majesty King George the Fourth, intituled "An Act to appoint Commissioners for carrying into execution "several Acts granting an aid to His Majesty by a Land Tax to be "raised in Great Britain, and continuing to His Majesty certain "duties on personal estates, offices, and pensions in England:" 7 & 8 G. 4. c. 75. 9 G. 4. c. 38. 2 & 3 W. 4. c. 127. 3 & 4 W. 4. c. 95. 6 & 7 W. 4 c. 80. 1 & 2 Vict. c. 57. 7 & 8 Vict. c. 79. 11 & 12 Vict. c. 62. 16 & 17 Vict. c. 111. 20 & 21 Vict. c. 46. 26 & 27 Vict. c. 101. 29 & 30 Vict. c. 59. 30 & 31 Vict. c. 51.

And whereas several Acts have since been passed appointing additional Commissioners for carrying those Acts into execution:

And whereas it is expedient to appoint additional persons to put in execution the several Acts for granting an aid to Her Majesty by a Land Tax in Great Britain, and several other Acts for continuing or granting to Her Majesty rates and taxes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons named in a schedule signed by the Clerk of the House of Commons to be additional commissioners.

1. The several and respective persons named in a schedule signed by and deposited with the Clerk of the House of Commons shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the clauses, powers, matters, and things whatsoever therein contained, as Commissioners in and for the several and respective counties, shires, and places in England and Wales in the said schedule severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the seventh and eighth years of the reign of

A.D. 1869. His Majesty King George the Fourth; and on the passing of this Act the said schedule shall be printed in the London Gazette, which shall be sufficient evidence of such schedule for all purposes whatsoever.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 65.

An Act for appointing Commissioners to inquire into the existence of corrupt Practices amongst the Freemen Electors of the city of Dublin. [9th August 1869.]

A.D. 1869.

WHEREAS the Right Honourable William Keogh, one of the judges of the Court of Common Pleas at Dublin, appointed under and by virtue of the provisions of "The Parliamentary Elections Act, 1868," to try the matter of a certain petition complaining of the undue election of a member to serve in Parliament for the county of the city of Dublin at the election holden for the said county of the city of Dublin on the eighteenth day of November one thousand eight hundred and sixty-eight, did, in pursuance of the provisions of the said Parliamentary Elections Act, 1868, at the conclusion of the trial of the said matter report to the Right Honourable the Speaker of the House of Commons that he had reason to believe that corrupt practices had extensively prevailed amongst the freemen voters at the said election for the said county of the city of Dublin; and that, save as respecting the said freemen, corrupt practices had not been shown to have extensively prevailed, nor was there any reason to believe that corrupt practices had extensively prevailed at the said election:

31 & 32 Vict. c. 125.

And whereas it is expedient that an inquiry should be made by Commissioners, to be specially appointed for that purpose, as to the existence, nature, and extent of corrupt practices amongst the freemen electors of the said city of Dublin, and into the conduct of all persons aiding in or abetting such corrupt practices:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commissioners appointed.

1. Hugh Law, Esquire, one of Her Majesty's counsel, Charles Henry Tandy, Esquire, one of Her Majesty's counsel, and

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William O'Connor Morris, Esquire, barrister-at-law, shall be Commissioners for the purpose of making inquiry into the existence, nature, and extent of corrupt practices amongst the freemen electors of the said city of Dublin, and into the conduct of all persons aiding in or abetting such corrupt practices.

Powers of Commissioners.

2. The said Commissioners shall have all and every the powers, authorities, and privileges, and the proceedings in relation to and upon such inquiry shall be had and taken in all respects as if the said Commissioners had been appointed under the provisions of the Act of the fifteenth and sixteenth years of Victoria, chapter fifty-seven, and all and every the provisions of the said Act, and of all and every Acts or Act altering or amending the same (except where such alteration or amendment affects the expenses of the inquiry), so far as the same are consistent herewith, shall apply in all respects for the purposes of this Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 66.

An Act to continue and amend an Act to defray the charge of the Pay, Clothing, and contingent and other expenses of the Disembodied Militia in Great Britain and Ireland; to grant allowances in certain cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the employment of the Non-commissioned Officers. [9th August 1869.]

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act.

1. This Act shall be construed as one with the Act of the session of the thirty-first and thirty-second years of the reign of Her present Majesty, chapter seventy-six, (which Act may be cited as the Militia Pay Act, 1868,) and that Act and this Act may be cited together as the Militia Pay Acts, 1868 and 1869.

Continuance of Act.

2. The Militia Pay Acts, 1868 and 1869, shall continue in force until the thirty-first of July one thousand eight hundred and seventy, and no longer.

Militia when called out for training or exercise entitled to pay, &c. as herein stated.

3. The officers and volunteer non-commissioned officers and private men of the regular militia shall be entitled, in lieu of the rates of pay and allowances provided by section ten of The Militia Pay Act, 1868 (which section is hereby repealed), to the daily rates of pay and allowances specified in the schedule to this Act.

SCHEDULE.

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel	1	2	6	1	2	6
Lieutenant-Colonel	0	17	0	0	17	0
Major	0	16	0	0	16	0
Captain (including non-effective allowance)	0	11	7	0	11	7
Lieutenant	0	6	6	0	6	6
Ensign	0	5	3	0	5	3
Adjutant, if acting also as paymaster in corps consisting of four companies and upwards	0	3	9	0	3	9
„ if acting also as paymaster in corps consisting of less than four companies	0	2	6	0	2	6
„ if acting also as paymaster and quartermaster in corps consisting of four companies and upwards	0	7	0	0	7	0
„ if acting also as paymaster and quartermaster in corps consisting of less than four companies	0	4	6	0	4	6
Quartermaster (if not holding a subaltern's commission, nor on the permanent staff)	0	6	6	0	6	6
„ (if holding a subaltern's commission, and if not on the permanent staff)	0	3	6	0	3	6
„ (if on the permanent staff in corps of not less than 360 private men)	0	1	6	0	1	6
„ (if on the permanent staff in corps of less than 360 private men)	0	3	0	0	3	0
Surgeon	0	17	6	0	17	6
Assistant surgeon	0	10	0	0	10	0
Serjeant instructor of musketry or gunnery, in addition to the daily rate of pay granted by Sec. 1.	0	1	0	0	1	0
Serjeant (not on the permanent staff)	0	1	$8\frac{3}{4}$	0	2	8
Corporal	0	1	$4\frac{1}{4}$	0	1	$6\frac{1}{4}$
Private	0	1	2	0	1	4
Command allowance to the officer actually in command during training and exercise, if the pay of colonel is not drawn	0	3	0	0	3	0
Beer money to each non-commissioned officer, drummer, and man (including the permanent staff) present at training and exercise	0	0	1	0	0	1

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 67.

An Act to provide for Uniformity in the Assessment of Rateable Property in the Metropolis. [9th August 1869.] A.D. 1869.

WHEREAS it is expedient to provide for a common basis of value for the purposes of government and local taxation, and to promote uniformity in the assessment of rateable property in the metropolis:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Act to be construed as one with 25 & 26 Vict. c. 103. and 27 & 28 Vict. c. 39.

1. The Union Assessment Committee Act, 1862, is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864, (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the said Act amending the same, or in any other Act or document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

Short title.

2. This Act (including the Acts incorporated herewith) may be cited as The Valuation (Metropolis) Act, 1869.

Extent of Act.

18 & 19 Vict. c. 120.

3. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under The Metropolis Management Act, 1855.

Definitions.

"Metropolis:"

4. In this Act, unless the context otherwise requires,—

The term "metropolis" means the unions and parishes to which this Act extends:

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"Parish:" The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

"Union:" The term "union" means any union of parishes, and any parish for which there is a separate assessment committee under this Act and the Acts incorporated herewith:

"Ratepayer:" The term "ratepayer" means every person who is liable to any rate or tax in respect of property entered in any valuation list:

"Year:" The term "year" means the twelve months commencing with the sixth of April and ending with the succeeding fifth of April; and words referring to a year refer to the same period:

"Surveyor of taxes:" The term "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners either of Inland Revenue or of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

"Overseers:" The term "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor:

"Vestry clerk:" The term "vestry clerk" means the vestry clerk, if any, elected under the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter fifty-seven, or under a local Act, or, if there is no such clerk, the vestry clerk appointed under "The Metropolis Management Act, 1855:"

"Hereditament:" The term "hereditament" means any lands, tenements, hereditaments, and property which are liable to any rate or tax in respect of which the valuation list is by this Act made conclusive:

"Gross value:" The term "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent:

"Rateable value." The term "rateable value" means the gross value after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid:

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

Assessment Committee.

Election of assessment

5. Where, in any parish which is not included in any union formed under the Poor Law Amendment Act, 1834, and the Acts

amending the same, there is for the time being a vestry elected according to the provisions of the Metropolis Management Act, 1855, but no assessment committee under the principal Act, the following provisions shall have effect:

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committee in single parish where there is a vestry.

(1.) Where in any such parish there is a board of guardians having power under any Local Act to assess or make the rates for the relief of the poor, that board of guardians shall appoint an assessment committee:

(2.) Where any two of such parishes are united under a Local Act for the purpose of assessing or making the rates for the relief of the poor, the guardians for such united parishes elected in pursuance of the Poor Law Amendment Act, 1834, and the Acts amending the same, shall appoint an assessment committee:

(3.) In cases other than those before mentioned the vestry of such parish shall appoint an assessment committee:

(4.) In the first year after the passing of this Act and every subsequent year, the body who appoint an assessment committee under this section shall on a day fixed by such body between the fifteenth and twenty-ninth of April in that year, or some other day fixed by the Poor Law Board, hold a meeting, and appoint from among themselves an assessment committee (consisting of not less than six nor more than twelve in number) in the same manner, as near as may be, as if the parish or united parishes were an union and the appointing body a board of guardians within the meaning of the principal Act.

All the provisions of this Act and the Acts incorporated herewith shall—

(*a.*) in cases where the assessment committee is appointed by guardians under this section be construed as if such guardians, and the monies applicable by such guardians for the relief of the poor were the guardians mentioned in the principal Act and the common fund; and—

(*b.*) in cases where the assessment committee is appointed by the vestry be construed, so far as is consistent with the tenor thereof, as if the terms vestry, members of the vestry, vestry clerk, assistant vestry clerk, and monies applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855, were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund, but nothing in such Acts

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relating to ex-officio guardians shall have any application in the case of a vestry.

Making of Valuation Lists.

Making of valuation lists.

6. The overseers of every parish to which this Act extends, within the time in this Act mentioned, shall make and sign a valuation list of their parish in duplicate, in accordance with this Act.

Valuation lists to be dealt with under 25 & 26 Vict. c. 103. ss. 17 to 21.

7. After the valuation list is signed by the overseers the same proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

Duplicate sent to surveyor of taxes.

8. The overseers shall send one duplicate of the valuation list to the surveyor of taxes of the district at the same time that the other duplicate is deposited by them. The surveyor of taxes shall insert in the duplicate so sent to him the amount in his opinion of the gross value of the hereditaments comprised in such list where such amount differs from the amount inserted by the overseers, and shall transmit the duplicate to the assessment committee within twenty-eight days after he has received the same.

Notice to occupier of alteration of value, &c.

9. In each of the following cases; namely,

(1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or (where there is no valuation list) in the then last assessment to the poor rate, or

(2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament, a notice of the gross and rateable value thereof inserted in the valuation list.

Notice to state time and mode of objection.

10. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

Grounds on which persons may object before assessment committee.

11. Objections may be made before the assessment committee by any person authorized by this Act and the Acts incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom,

or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made.

Surveyor of taxes, &c. may inspect, copy, and object to valuation list.

12. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to any valuation list which relates to his district or parish as is given to any person by this Act and the Acts incorporated herewith.

If overseers do not transmit list, committee to appoint a person to do so.

13. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers.

Valuation list to be revised, certified, and sent to overseers, &c.

14. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, they shall cause the totals of the gross and rateable value in such list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in Part One of the second schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district, and the other duplicate to the overseers of the parish to which it relates.

Deposit of duplicate of list in each parish.

15. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

Deposit of list at office of the managers of metropolitan asylum district.

16. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district by the assessment committee shall be deposited at the office of such managers, and within the time in this Act mentioned shall be returned by such clerk to the same assessment committee.

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Printing and distribution of totals of gross and rateable value in valuation list.

17. The clerk of the managers of the metropolitan asylum district shall, within the time in this Act mentioned, cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in every county in which any parish to which any of such totals relate is situate, to the clerks of the peace for every such county, to the Commissioner of the Metropolitan Police, the Corporation of the City of London, the Metropolitan Board of Works, every district board in the metropolis, and the Poor Law Board. Every assessment committee, overseer, and ratepayer within the metropolis and every such county shall respectively be entitled to have printed copies of such totals on payment of one penny for each copy of all the said totals.

Appeals.—Special Sessions.

Holding of special session to hear appeals.

18. In every petty sessional division in the metropolis the justices of the peace acting in and for such division shall, in every year at the time mentioned in this Act, hold a special sessions for hearing appeals under this Act against the valuation lists of the several parishes within such division.

Persons entitled to appeal to special sessions.

19. Any ratepayer and any overseers of a parish, so far as respects the valuation list of such parish, and any surveyor of taxes, so far as respects the valuation list of any parish in the petty sessional division, may, if he or they feel aggrieved by any decision of the assessment committee on an objection made with respect to the unfairness or incorrectness of the valuation of any hereditament included in such list, but not otherwise, appeal against such decision to the special sessions. The right to appeal to special sessions shall not deprive a person of any other right of appeal conferred on him by this Act.

Extent of jurisdiction of special sessions.

20. The justices in special sessions under this Act shall not hear any appeal touching any matter with respect to which notice of appeal to the general assessment sessions has been served in manner prescribed by this Act, and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such justices and an alteration by them of the value of an hereditament in the valuation list of any parish shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals of the gross or rateable value of such list as settled by the assessment committee, but may form a reason for an appeal against such totals to the assessment sessions and superior court as herein-after mentioned.

Powers of special sessions.

21. The justices in special sessions under this Act may adjourn their court from time to time, as may be necessary for the performance of their duties under this Act. They shall have with respect to the attendance and examination of witnesses, the taking of evidence, the keeping order in court, the enforcing their orders, and all matters necessary for the execution of their duties under this Act, the same powers and jurisdiction as if they were assembled in petty sessions.

Notice by special sessions of time of sitting.

22. The justices in special sessions shall send a written notice of the time and place at which they will hold a special sessions for the purpose of hearing appeals with respect to any parish to the overseers of such parish, who shall publish it as soon as it is received by them.

Appeals.—Assessment Sessions.

Court of general assessment sessions.

23. For the purpose of hearing appeals under this Act against any valuation list in the metropolis, the justices of the peace appointed as herein-after mentioned shall at the time mentioned in this Act assemble and hold a court of general assessment sessions (in this Act referred to as the assessment sessions).

Appointment of members of general assessment sessions.

24. The justices who are to form the court of general assessment sessions shall be appointed annually as follows:

1. Three justices of the peace of the county of Middlesex (of whom the assistant judge of the court of the sessions of the peace of the said county shall be one) shall be appointed by the court of general quarter sessions or general sessions of the peace for the county of Middlesex:
2. Two justices of the peace of the county of Surrey shall be appointed by the court of general or quarter sessions of the peace for the county of Surrey:
3. Two justices of the peace of the county of Kent shall be appointed by the court of general sessions for the county of Kent:
4. Two justices of the peace of the city of London shall be appointed by the court of the mayor and aldermen of the city of London in the inner chamber.

The said justices shall be appointed in the month of October in every year, or at such other time as may be from time to time fixed by the appointing body. They shall hold office for twelve months beginning on the first of November, and any casual vacancy may be filled up by the appointing body.

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Officers of general assessment sessions.

25. The justices in assessment sessions may from time to time appoint, with the consent of the Poor Law Board, a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him or them such remuneration and such duties as the Poor Law Board may approve.

Chairman, quorum, and powers of general assessment sessions.

26. The justices in assessment sessions may from time to time appoint one of their own number to act as their chairman, who shall have a second or casting vote, and they may from time to time determine on their quorum so that it be not less than three.

The court of general assessment sessions may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and (for the purpose of giving judgment only) from place to place in the metropolis. They shall with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as a court of quarter sessions; and, subject to the express provisions of this Act, shall conduct their proceedings, be convened, and be in the same position, as near as may be, as if they were a court of quarter sessions.

Orders as to proceedings and recognizances on appeals.

27. The justices in assessment sessions may, with the approval of one of Her Majesty's Principal Secretaries of State, make orders from time to time for the purpose of regulating the proceedings on appeals to them under this Act, and for determining the recognizances (if any) to be entered into by appellants in the case of appeals either to special sessions or to the assessment sessions.

Fees on appeals under Act.

28. The justices in assessment sessions may make a table of the fees which in their opinion should be paid to the clerks of special sessions and to the clerk of assessment sessions in the case of appeals under this Act, and shall lay such table before one of Her Majesty's Principal Secretaries of State in the same manner as the justices at quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, (which section relates to a table of fees and to the prohibition of clerks taking other fees,) shall apply in the case of a table of fees made, and the business done by the said clerks under this Act.

All fees paid in the case of appeals to the assessment sessions shall be paid to the account of the receiver of the Metropolitan

Common Poor Fund, and shall be so paid and taken and accounted for in such manner as the Poor Law Board may from time to time by order prescribe.

Places for hearing appeals.

29. The justices in assessment sessions shall from time to time appoint the place in the metropolis where the appeals relating to each parish in the metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district.

Public notice of times of holding courts to be given.

30. The justices in assessment sessions shall cause public notice to be given of the several times at which they will sit at the several places appointed for the hearing of appeals; such notice may be given under the hand of their clerk, and shall be given by advertisement in some newspaper circulating generally in the metropolis, and by sending a copy of such notice to every surveyor of taxes in the metropolis, to every assessment committee which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them.

Summons of certain officers as witnesses.

31. The justices in assessment sessions may order any clerk to the Commissioners of Taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which such justices may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section shall be liable (on summary conviction before the justices in assessment sessions or any other two justices) to a penalty not exceeding five pounds.

Persons entitled to appeal to assessment sessions.

32. Any ratepayer and any surveyor of taxes, and any overseer, with the consent of the vestry of his parish, who may feel aggrieved by any decision of the assessment committee, on an objection made before them to which he was a party, or by any decision of special sessions, whether he was a party or not, may appeal against such decision to the assessment sessions.

Any assessment committee in the metropolis, or in the county in which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorized by law to levy rates or require contributions payable out of rates in the metropolis or such county,

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may appeal to the assessment sessions, if they or he feel aggrieved by reason—

(1.) of the total of the gross value of any parish being too high or too low;

(2.) of the total of the rateable value of any parish being too high or too low; or

(3.) of there being no approved valuation list for some parish.

Proceedings on Appeals.

Notice of appeal to special or assessment sessions.

33. Notice in writing of every appeal, whether to special sessions or the assessment sessions, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on the following persons; namely,

in all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal:

when the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person:

if an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates:

Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the special sessions or of the assessment sessions, as the case may require.

Sessions to hear and determine appeals, and alter list accordingly.

34. The justices in special sessions and in assessment sessions respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint. They may adjourn the hearing from time to time, and to any day not later than the day before which all appeals to them are required by this Act to be heard; and in the case of assessment sessions for the purpose of obtaining the decision of any superior court to any day necessary for that purpose; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they

may, if they think it just, order notice of appeal to be given. They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee, or some deputy allowed by the assessment committee, shall attend the court with the valuation list to which the appeal relates, and any alteration shall be made by the justice acting as chairman of the sessions in that list, and the said justice shall place his initials against such alteration.

Making of valuation list where none approved.

35. If it appears to the justices in assessment sessions on any appeal that there is no approved valuation list for some parish, they may appoint some proper person (with such remuneration as they may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

Assessment sessions may, on application of party to appeal, order valuation.

36. If any of the parties to the appeal apply to the justices in assessment sessions to direct a valuation of any hereditament with respect to which any appeal may be made, and if such applicant or applicants give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some proper person to make such valuation.

Adjournment to receive valuation list or valuation.

37. Where the court appoint a person to make a valuation list or a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation list or valuation, and may adjourn the hearing to that day.

Valuation to be in writing, person making it to have power to enter.

38. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation.

Costs of appeal.

39. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the justices in special

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or assessment sessions (as the case may be), and shall be awarded by them to be paid by such parties to the appeal, and in such proportions, as they think just.

Costs (including the costs of making a valuation) so ordered to be paid may be recovered as if they had been awarded by a court of quarter sessions, and when ordered to be paid by parties other than a ratepayer shall be paid as in this Act mentioned.

Appeal from decision of assessment sessions on points of law.

40. The same proceedings may be had by special case and certiorari or otherwise, for questioning any decision of the justices in assessment sessions, as may be had for questioning any decision of the justices in general or quarter sessions, provided that every such certiorari shall be sued out within three months after the decision is given.

At any time after notice given of appeal under this Act to the assessment sessions, it shall be lawful for the parties, by consent and by order of any judge of one of the superior courts of common law at Westminster, to state the facts of the case in the form of a special case for the opinion of any of those courts, and to agree that a judgment in conformity with the decision of that court, and for such costs as that court may adjudge, may be entered on the application of either party at the meeting of the justices in assessment sessions next or next but one after such decision has been given, and such judgment may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the assessment sessions upon an appeal duly brought before them and adjourned; and the justices shall, if necessary, hold a sessions or an adjourned sessions for this purpose.

Notice in writing of the decision of any superior court in pursuance of this section shall be served by the clerk of the assessment sessions on the assessment committee which approved the list questioned on the appeal to such court.

Notice of alteration of list to be sent to overseers.

41. Notice of every alteration in the valuation list, which alteration is made in consequence of any decision on any appeal to the special sessions, assessment sessions, or a superior court, shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them.

Notice of every alteration in the total of the gross and rateable value of any valuation list, which alteration is made in consequence

of any decision on any appeal to the assessment sessions or a superior court, shall as soon as possible be sent in writing by the clerk of the assessment committee to the clerk of the managers of the Metropolitan Asylum District, and the clerk of such managers shall send in writing such altered total to every person and body of persons who has power to levy or make any rate or assessment or require any contribution based on such total.

Times for Proceedings.

Times within which proceedings in making valuation list are to be done.

42. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect; that is to say,

(1.) The overseers shall make and deposit the valuation list before the first of June in the first year after the passing of this Act:

(2.) The overseers shall transmit the valuation list to the assessment committee not sooner than fourteen and not later than seventeen days after notice is given of the deposit of such list:

(3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of twenty-five days after the list is deposited:

(4.) The assessment committee shall revise the valuation list before the first of October in the same year, and before the same day, but not less than sixteen days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list:

(5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than sixteen days before such meeting:

(6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than seven days before the meeting at which objections to such list will be heard by the assessment committee:

(7.) The assessment committee shall send the valuation list to be re-deposited within three days after it is approved by them, and shall appoint a day not less than fourteen nor more than twenty-eight days after such re-deposit for hearing objections to the alterations, of which objections seven days notice shall be given by the objector:

(8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the managers of the metropolitan asylum district, before the first of November in the same year:

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(9.) Notices of appeal to special sessions shall be given on or before the twenty-first of November in the same year:

(10.) The justices may hold the special sessions at any time after the thirtieth of November in the same year, which will enable them to determine all appeals before the ensuing first of January:

(11.) The clerk of the said managers shall send out the printed totals before the first of December in the same year, and shall return the valuation list to the assessment committee not sooner than fourteen nor later than twenty-one days after the totals are sent out:

(12.) Notices of appeals to assessment sessions shall be given on or before the fourteenth of January in the same year:

(13.) The justices may hold the assessment sessions at any time after the first of February in the same year, which will enable them to determine all appeals (except where a valuation list or valuation is ordered) before the ensuing thirty-first of March:

(14.) Notice of the times at which the assessment sessions will be held at each place shall be given by the clerk ten days at least before the first court is held.

Effect of Valuation List.

Duration of valuation list.

43. The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act to any sessions or a superior court, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for five years, subject to any alterations that may be made by any supplemental or provisional list as herein-after mentioned.

Rate to be levied notwithstanding appeal.

44. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every assessment, contribution, rate, and tax in respect of which the valuation list is conclusive shall be made, required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act to assessment sessions or a superior court an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

45. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate, the metropolitan police rate, the church rate, the highway rate, the poor rate, the police, sewers, consolidated and other rates in the city of London, the sewers, lighting, general, and other rates levied by order of district boards or vestries, the main drainage improvement and other rates, and sums assessed on any part of the metropolis by the Metropolitan Board of Works, assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value:

(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force; namely,

(*a.*) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to: 14 & 15 Vict. c. 36., &c.

(*b.*) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits: 5 & 6 Vict. c. 35., &c.

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors, to the qualification of a juror, to the qualification of a vestryman, and an auditor of accounts under the Metropolis Management Act, 1855, and to the qualification of a guardian and of a manager under the "Poor Law Amendment Act, 1834," or the "Metropolitan Poor Act, 1867," at any time at which such value is required to be ascertained:

And in construing the Metropolitan Police Act and the Acts amending the same, the last valuation for the time being acted upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force: 10 Geo. 4. c. 44.

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15 & 16 Vict. c. 81., &c. And in construing the County Rate Act and Acts referring to the valuation, estimate, basis, or standard for the county rate, the valuation, estimate, basis, or standard shall be deemed to be the rateable value stated in such list:

14 & 15 Vict. c. 36., &c. And in construing the House Tax Act and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the gross value stated in such list:

5 & 6 Vict. c. 35., &c. And in construing the Income Tax Act and any Acts continuing or amending that Act, with respect to schedules A. and B. thereof, annual value shall be deemed to mean the gross value stated in such list.

Revision of Valuation List.

Mode of revising valuation list.

46. Every valuation list shall be revised in manner directed by this Act, and such revision in every period of five years (the first of such periods beginning with the sixth of April one thousand eight hundred and seventy-one) shall be conducted as follows:

(1.) In each of the first four years of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the second schedule to this Act:

(2.) In the fifth year of every such period the overseers shall make a new valuation list:

(3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act:

(4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act:

(5.) In each of the last four years of such period the valuation list which was in force on the day before the commencement of each such year, together with and as altered by the

supplemental list, if any, which comes into force at the commencement of such year, shall be the valuation list which is in force during that year:

(6.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the fifth year of such period.

Provision for valuing a house built between the times at which the valuation list is made.

47. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause increased or reduced in value, the following provisions shall have effect:

(1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer of the union or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament:

(2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list:

(3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served:

(4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being served on the clerk of the assessment committee, on the overseers,

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on the surveyor of taxes, and on the occupier, or on such of them as the case may require:

(5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier:

(6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just:

(7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers:

(8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force:

(9.) Upon a provisional list coming into operation the overseers shall make such entries in the rate book for the then current poor rate as will bring the same into conformity with such list, and shall also enter therein the date at which such list is to come into operation, and shall charge the occupier of such hereditament with a proper proportion of such current poor rate, regard being had to the time which has elapsed between the making of such rate and the said date and to the rateable value stated in such provisional list, and such occupier shall be considered as actually rated for such sum from the said date, and be liable to pay the same, and the same may be enforced accordingly:

(10.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively

made or charged after the provisional list comes into force, and the proportion of the current rate charged as before provided in this section, shall be levied accordingly; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed:

(11.) Nothing in this section shall affect the value on which any rate is made or sum is assessed or contribution required which is made, assessed, or required on the totals of the gross or rateable value of parishes or unions.

Expenses.

Costs of appeal, &c.

48. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

Inland Revenue may make allowances for expenses of Act.

49. The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

Expenses.

50. The expenses of the assessment sessions and such remuneration as the Poor Law Board may from time to time allow to the clerk of the managers of the metropolitan asylum district, the clerk of the assessment sessions, and persons appointed to assist the assessment sessions as provided by this Act, and such costs and expenses incurred by such clerks and persons under this Act as the Poor Law Board may allow, after such audit as the Poor Law Board may direct, shall be paid by the receiver of the Metropolitan Common Poor Fund out of any monies for the time being in his hands, and shall be paid at such times and in such manner and upon such precept of the Poor Law Board as the Poor Law Board may from time to time prescribe, and the Poor Law Board may require contributions for the purpose of raising such remuneration, expenses, and costs.

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Rules for formation of Valuation List.

Form and contents of valuation list.

51. The valuation list shall be made out in the form given in the second schedule to this Act.

5 & 6 Vict. c. 35.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to Rule two in section sixty of the Income Tax Act, but shall include tithes and payments in lieu of tithes and every hereditament in their parish, and shall enter every hereditament in the valuation list in accordance with the classes mentioned in the third schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that schedule.

Deductions for rateable value.

52. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall not exceed the amounts in the third schedule to this Act, so far as the same are applicable.

Amount of gross value specified by the surveyor of taxes to be inserted, unless disproved.

53. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, special sessions, or assessment sessions, unless it is proved to the satisfaction of the assessment committee, special sessions, or assessment sessions, that such amount ought not to be so inserted.

Saving of exemptions and exceptional principles of valuation.

54. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation.

Returns.

Occupier to make returns.

55. In the first year after the passing of this Act, and in every subsequent year in which a new valuation list is made, or in the month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make.

Surveyor of taxes to supply notices and forms for returns to overseers,

56. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of February preceding send to the overseers of each parish in his district a sufficient number of printed forms and notices, and the overseers, within a month after the receipt thereof, shall serve a notice and

form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within twenty-one days after the service of a notice and form on him.

who are to serve them.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the Commissioners of Her Majesty's Treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

Assessment committee may require returns from owner and occupier.

57. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him.

Penalty for no or false returns.

58. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

If any person wilfully makes or causes to be made a false return, he shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

Miscellaneous.

Provision for cases where no guardians and where no overseers.

59. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians, the following provisions shall have effect:

(1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Poor Law Board shall determine the assessment committee which is to act for such parish:

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(2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:

(3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith:

(4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit; and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers:

(5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons; and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

Provision where vestry are the overseers.

60. Where the vestry or the guardians of any parish perform the duties of overseers with respect to a valuation list under this Act the list shall be signed by the vestry clerk or the clerk of the guardians.

Guardians may appoint a paid valuer to assist the assessment committee.

61. The guardians may, upon the application of the assessment committee, after notice sent in the manner required by the principal Act, appoint some competent person to assist the committee in the valuation of the hereditaments in the union for such period as they see fit, at a salary or other settled remuneration, to be paid out of the common fund.

Assessment committee and overseers may

62. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his parish, may, for the purposes of any application for a valuation on

any appeal, give security for paying the costs of such valuation. An assessment committee may give such security and may appear on any appeal by their clerk, and shall indemnify the said clerk against all monies, losses, and costs paid or incurred by him in consequence of such security or appearance.

give security for costs of valuation.

63. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act.

Use of public room for appeals, &c.

64. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced, and the clerk on application shall furnish a copy to any overseers on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately. A provisional list may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Evidence of valuation list, &c.

65. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

Service of notices, &c. by post, &c.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or to their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

66. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such

Publication of notices by overseers.

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notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published.

Inspection, &c. of documents deposited with rate books.

67. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge.

Valuation lists to be equivalent to rate books of parish.

68. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act, the notices of alterations made on any appeal under this Act, and any provisional list, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates, and on any appeal under this or any other Act, and on any other occasion if so required, on which they are bound to produce such rate books, and any overseer who fails to produce such list in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

The duplicate of the valuation list returned to the assessment committee by the clerk of the managers of the Metropolitan Asylum District, and other documents in the possession of the assessment committee in pursuance of this Act, shall be kept at the board room or other convenient place from time to time appointed by the guardians of the same union, but shall be deemed to be in the possession of the assessment committee, and shall be produced by their clerk to the District auditor whenever required by him.

Ratepayer, &c. may inspect documents, &c. in hands of clerk of managers or assessment committee.

69. Any ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents which in pursuance of this Act are under the control of the clerk of the managers of the Metropolitan Asylum district, or of the clerk of the assessment sessions.

Any surveyor of taxes and any guardian and any overseer in a union, without payment, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any clerk of an assessment committee in the metropolis may inspect and take extracts from any valuation lists in the possession

or under the control of the assessment committee of any other union in the metropolis.

Any person who hinders a ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

Owner where rated to be in position of occupier.

70. Where the owner of any hereditament is liable to be assessed to or to pay any rate or tax in the place of the occupier, such owner shall for the purposes of this Act and the Acts incorporated herewith be deemed to be the occupier.

Amendment of error in rate by two justices.

71. Any person who feels aggrieved by reason of any clerical or arithmetical error in a rate in the metropolis may apply to two justices of the peace or a magistrate sitting at any police court in the metropolitan police district, who, after the applicant has given such notice to the overseers who made the rate and such persons as such justices or magistrates think just, may hear the case in like manner as in the case of summary proceedings, and amend the rate so far as respects such error.

Omissions from the rate.

72. Whenever the name of any person liable to be rated at the time the rate is made is omitted from any rate in the metropolis, or if any person is described in any such rate by a wrong name, the overseers may, after giving to such person seven clear days notice of their intention, apply to any two justices or any police magistrate as aforesaid, who may hear the case in like manner as in the case of summary proceedings, and insert the name so omitted, or correct the name so wrongly entered, and every such insertion and correction shall operate as if it had been part of the original rate: Provided that any person whose name is so inserted or corrected in any such rate may appeal against the same at the general quarter sessions of the peace which is holden next after such insertion or correction, in like manner as he might have appealed against the rate.

Form of rate and declaration.

73. Every poor rate made in the metropolis after the fifth of April one thousand eight hundred and seventy-one shall contain the particulars specified in the fourth schedule to this Act, together with such other particulars as the Poor Law Board may from time to time by order direct, and the overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

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Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding five pounds.

Amendment of 25 & 26 Vict. c. 103. s. 11.

74. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

Saving of powers to value property not included in a valuation list.

75. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate assessment of houses for purposes of house duty, income tax, and Licensing Acts.

76. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under schedule B. of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

Repeal of Acts.

Repeal of Acts herein described.

77. The enactments specified in the fifth schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, where they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis: Provided—

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation:
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

FIRST SCHEDULE.

Date of Act.	Short title used in this Act.
10 Geo. 4. c. 44.	The Metropolitan Police Act.
5 & 6 Vict. c. 35.	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

SECOND SCHEDULE.

Part I.

Valuation List for [*the parish or place for which the list is made*] in the Metropolitan Union of [*or* not being in Union] in the County of .

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value as estimated by overseers.	Gross value as estimated by surveyor of taxes.	Rate of deduction per cent.	Rateable value.	Gross value as finally determined by Assessment Committee.	Rateable value as finally determined by Assessment Committee.

Signed this day of .

A.B., *C.D.* } Overseers of the poor of the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this day of .

A.B., *C.D.*, *E.F.* } Members of the Assessment Committee of the Union.

Note.—The two last of the above columns (for gross and rateable value as determined by Assessment Committee) must be filled up, and the totals of those columns must be added up after the objections to the alterations have (if any) been heard, and before the list is finally approved.

Part II.

Form of Certificate where no supplemental list is sent.

We, the overseers of the parish of , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A.B., *C.D.* } Overseers of the parish of .

THIRD SCHEDULE,

Showing the several classes into which the hereditaments inserted in a valuation list under this Act are to be divided.

	Maximum rate of deductions.
	Per cent. or proportion.
Class 1. Houses and buildings, or either of them, without land other than gardens where the gross value is under 20*l.*	25 or $\frac{1}{4}$th.
„ 2. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 20*l.* and under 40*l.* - - - - -	20 or $\frac{1}{5}$th.
„ 3. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 40*l.* or upwards - - - - -	$16\frac{2}{3}$ or $\frac{1}{6}$th.
„ 4. Buildings without land which are not liable to inhabited house duty and are of a gross value of 20*l.* and under 40*l.* - - - - - -	20 or $\frac{1}{5}$th.
„ 5. Buildings without land which are not liable to inhabited house duty and are of a gross value of 40*l.* or upwards	$16\frac{2}{3}$ or $\frac{1}{6}$th.
„ 6. Land with buildings not houses - - -	10 or $\frac{1}{10}$th.
„ 7. Land without buildings - - - -	5 or $\frac{1}{20}$th.
„ 8. Mills and manufactories - - - - -	$33\frac{1}{3}$ or $\frac{1}{3}$rd.
„ 9. Tithes, tithe commutation rentcharge, and other payments in lieu of tithe - - - - -	To be determined in each case according to the circumstances and the general principles of law.
„ 10. Railways, canals, docks, tolls, waterworks, and gasworks	
„ 11. Rateable hereditaments not included in any of the foregoing classes - - - - -	

The maximum rate of deductions prescribed in this schedule shall not apply to houses or buildings let out in separate tenements, but the rate of deductions in such cases shall be determined as in Classes 9, 10, and 11.

FOURTH SCHEDULE.

Form of Rate.

Rate for the Relief of the Poor of the Parish of in the Union, and for other purposes chargeable thereon, according to law made this day of in the year of our Lord 18 , after the rate of in the pound, which is estimated to meet all the expenses for the above purposes which will be incurred before the of next.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rateable value.	Rate at in the pound.

Declaration to be added to the Rate.

We, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation (Metropolis) Act, 1869, and now in force in this parish (*or* township), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list, and do declare that the total of the above rate amounts to pounds shillings and pence.

_____ } Churchwardens.

_____ } Overseers.

FIFTH SCHEDULE.

43 Geo. 3. c. 161.	An Act for repealing the several duties under the management of the Commissioners for the Affairs of Taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licences, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said Commissioners for the Affairs of Taxes, and also new duties on persons selling carriages by auction or on commission - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
48 Geo. 3. c. 55.	An Act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the Commissioners for the Affairs of Taxes - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
57 Geo. 3. c. 25.	An Act to explain and amend an Act made in the forty-eighth year of His present Majesty for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act - - - - - -	in part, namely,—
	So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	
10 Geo. 4. c. 44.	An Act for improving the police in and near the metropolis - - - - - - -	in part, namely,—
	So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive.	
6 & 7 W. 4. c. 96.	An Act to regulate parochial assessments - -	in part, namely,—
	Sections one, two, six, seven, and nine.	

5 & 6 Vict. c. 35.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five (in this Act called the Income Tax Act) - - - - - - Section sixty. No. I. No. II. par. 1, 3. No. IV. par. 2, 4. No. V. (so far as respects the deductions allowed by this Act.) Section sixty-three. No. X. par. 1, 2, 3, 4. Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.	in part, namely,—
14 & 15 Vict. c. 36.	An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act) - - - - - So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.	in part, namely,—
15 & 16 Vict. c. 81.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act) - - - - - - So much of sections one to twenty, both inclusive, as relates to the preparation of a basis or standard of county rate for any part of the metropolis, and sections forty to forty-three, both inclusive.	in part, namely,—
16 & 17 Vict. c. 34.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.	in part, namely,—
18 & 19 Vict. c. 120.	An Act for the better local management of the metropolis (Metropolis Management Act, 1855) - - So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive.	in part, namely,—
20 & 21 Vict. c. 64.	An Act for raising a sum of money for building and improving stations of the metropolitan police, and to amend the Acts concerning the metropolitan police - - - - - - Sections eleven and twelve.	in part, namely,—
21 & 22 Vict. c. 33.	An Act for the better management of county rates - Section one.	in part, namely,—

25 & 26 Vict. c. 102.	An Act to amend the Metropolis Local Management Acts (The Metropolis Management Amendment Act, 1862) - - - - - - So much of sections six, seven, and thirteen as authorizes or relates to the ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive, and so much of any Act as applies the provisions hereby repealed.	in part, namely,—
25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862 - - Sections three, fourteen, fifteen, the following words in section seventeen, "and a copy of such valuation list shall be forthwith delivered to the board of guardians," sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, section twenty-eight down to "schedule hereunto annexed," sections twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-nine, forty-one, forty-two, forty-three, and forty-five.	in part, namely,—
27 & 28 Vict. c. 39.	The Union Assessment Committee Amendment Act, 1864 - - - - - - Sections one, nine, and eleven.	in part, namely,—
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the Inland Revenue - - - - - - Section seventeen, so far as it relates to the value of property.	in part, namely,—
29 & 30 Vict. c. 78.	The County Rate Act, 1866 - - - - Section one.	in part, namely,—
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868 - - - Sections thirty, thirty-one, thirty-two, and thirty-eight.	in part, namely,—

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CHAP. 68.

An Act for the further Amendment of the Law of Evidence. A.D. 1869.
[9th August 1869.]

WHEREAS the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 4. of 14 & 15 Vict. c. 99. and part of sect 2. of 16 & 17 Vict. c. 83. repealed.

1. The fourth section of chapter ninety-nine of the statutes passed in the fourteenth and fifteenth years of Her present Majesty, and so much of the second section of the "Evidence Amendment Act, 1853," as is contained in the words "or in any proceeding instituted in consequence of adultery," are hereby repealed.

Parties in actions for breach of promise of marriage.

2. The parties to any action for breach of promise of marriage shall be competent to give evidence in such action: Provided always, that no plaintiff in any action for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise.

Parties and their husbands and wives to be witnesses in suits for adultery.

3. The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding: Provided that no witness in any proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

Persons objecting to take oath

4. If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an

A.D. 1869.

oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration :

may be allowed to make declaration, and be triable for perjury.

'I solemnly promise and declare that the evidence given by me 'to the court shall be the truth, the whole truth, and nothing but 'the truth.'

And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath.

Short title.

5. This Act may be cited for all purposes as the "Evidence Further Amendment Act, 1869."

Extent of Act.

6. This Act shall not extend to Scotland.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 69.

An Act to provide for the better Liquidation of certain Loans raised under the guarantee of Her Majesty for the service of the colony of Jamaica. [9th August 1869.] A.D. 1869.

WHEREAS in pursuance of the provisions of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter one hundred and thirty, "for guaranteeing "the interest on such loans, not exceeding five hundred thousand "pounds, as may be raised by the British colonies on the continent "of South America, the West Indies, and the Mauritius, for "certain purposes," Her Majesty guaranteed the payment of the interest of a loan of one hundred thousand pounds, raised by the colony of Jamaica for the purpose of promoting the introduction of free labourers: 11 & 12 Vict. c. 130.

And whereas such loan was raised by debentures bearing interest at four per cent., and redeemable as to one moiety on the thirtieth of June one thousand eight hundred and seventy-two, and as to the other moiety on the first of January one thousand eight hundred and eighty-one:

And whereas the repayment of such loan was provided for by a sinking fund, and a considerable sum is now standing to the account of such sinking fund, and is invested in three per cent. reduced annuities:

And whereas by the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter fifty-four, "to guarantee the liquidation of a loan or loans "for the service of the colony of Jamaica," the payment of the principal and interest of a loan of five hundred thousand pounds raised by the colony of Jamaica for the redemption of certain debts then owing by the said colony was guaranteed: 17 & 18 Vict. c. 54.

A.D. 1869.

And whereas the said sum of five hundred thousand pounds was raised by debentures bearing interest at four per cent. and redeemable on the first of June one thousand eight hundred and eighty-five:

And whereas the redemption of such debentures was provided for by a sinking fund, and a considerable sum is now standing to the account of such sinking fund, and is invested in three per cent. Consolidated Bank Annuities:

And whereas it is expedient to authorize both the application of the sum standing to such sinking funds to the immediate redemption of the said loans, and also the extension of the time for the redemption of the remainder of the said loans:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Jamaica Loans Act, 1869."

Agreements for redemption and conversion of loan.

2. The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may, on behalf of the government of Jamaica, enter into arrangements with the holders of the debentures issued for the purpose of raising the said loans of one hundred thousand pounds and five hundred thousand pounds respectively, for the purchase of such debentures, and for the conversion of such debentures into other debentures or securities at such price and on such terms and conditions as the Treasury may approve.

Application of sinking fund to purchase of debentures.

3. Where any such arrangement has been made for the purchase of any of the said debentures, the stock for the time being standing to the account of the said sinking funds, or either of them, or the proceeds of the sale of that stock, may be applied for the purpose of such purchase, and the stock may be transferred and sold accordingly, as if the two funds were one sinking fund applicable to the redemption of both the said loans.

Guarantee by Treasury of securities for conversion, &c.

4. Where any securities (whether bonds, debentures, or other,) are issued for the purpose either of raising money for the purchase of the said debentures, or of the conversion of the said debentures, the Treasury may in such manner as they think fit guarantee the payment of the principal and interest of such securities, provided that the Treasury shall not give such guarantee unless,—

(1.) The securities are of such description, in such form, and for such amount, and bearing such rate of interest, not exceed-

ing four per cent., and redeemable at such period or periods, not exceeding thirty years from the date of issue, as the Treasury may approve:

(2.) Provision is made to the satisfaction of the Treasury for a sinking fund at such rate as the Treasury think sufficient to pay off all such securities at the period at which they are redeemable; such fund to be invested or applied as the Treasury may from time to time direct: and,

(3.) An Act is passed by the legislature of Jamaica for charging, to the satisfaction of the Treasury, the revenues of Jamaica with the payment of the principal and interest of such securities, and of the sinking fund, and of all sums which may be paid by the Treasury, in order to fulfil the guarantee, with interest on such last-mentioned sums after the rate of five per cent. from the time of payment, and further, if the Treasury think fit, for appropriating certain portions of the revenue to meet such payments.

As to Acts passed by legislature of Jamaica affecting guaranteed loans.

5. Every Act passed by the legislature of Jamaica, which in any way impairs or injuriously affects the charge created in accordance with this Act upon the revenues of Jamaica, or affects the portions of the revenue, if any, appropriated to meet such charge, shall be void so far only as it impairs or injuriously affects such charge, unless it contain a suspending clause providing that such Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in Jamaica.

Power to Treasury to issue money out of Consolidated Fund.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the Consolidated Fund, or the growing produce thereof, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of principal or interest.

Treasury to certify amount paid out of Consolidated Fund.

7. The Treasury may, from time to time, certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of Jamaica, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

Accounts to be laid before Parliament.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament an account of all sums issued out of the Consolidated Fund for the purposes of this Act, within one

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month after the same are so issued, if Parliament be then sitting, or, if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

Saving of rights of holders of debentures.

9. If the holders of any of the said debentures do not agree with the Treasury acting on behalf of the government of Jamaica for the purchase or conversion of such debentures, such holders shall have the same rights and the same charge and guarantee as they would have had if this Act had not passed, and such amount of sinking fund as will be sufficient to redeem such debentures at the period at which they are redeemable shall be provided by the government of Jamaica as if this Act had not passed.

Act and part of Act in schedule repealed.

10. The Acts specified in the schedule to this Act are hereby repealed to the extent therein mentioned, except so far as relates to any debentures which have been issued under the said Acts.

SCHEDULE.

	Title of Act.	Extent of Repeal.
11 & 12 Vict. chapter 130.	An Act for guaranteeing the interest on such loans, not exceeding £500,000, as may be raised by the British Colonies on the continent of South America, in the West Indies, and the Mauritius, for certain purposes.	So far as regards Jamaica.
17 & 18 Vict. chapter 54.	An Act to guarantee the liquidation of a loan or loans for the service of the colony of Jamaica.	The whole Act.

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CHAP. 70.

An Act to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of Contagious or Infectious Diseases among Cattle and other Animals in Great Britain. [9th August 1869.]

A.D. 1869.

WHEREAS it is expedient to confer on Her Majesty's Most Honourable Privy Council power to take such measures as may appear from time to time necessary to prevent the introduction into Great Britain of contagious or infectious diseases among cattle, sheep, and other animals, by prohibiting or regulating the importation of foreign animals, and it is further expedient to provide against the spreading of such diseases in Great Britain, and to consolidate and amend and make perpetual the Acts relating thereto, and to make such other provisions as are contained in this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.—Preliminary.

1. This Act may be cited as The Contagious Diseases (Animals) Act, 1869. Short title.

2. This Act shall not extend to Ireland. Extent of Act.

3. This Act is divided into parts, as follows:— Division of Act into parts.

Part I.—Preliminary.
Part II.—Local authorities.
Part III.—Foreign animals.
Part IV.—Discovery and prevention of disease.
Part V.—Slaughter in cattle plague: compensation.
Part VI.—Orders of Council and of local authorities.
Part VII.—Lands.
Part VIII.—Expenses of local authorities.
Part IX.—Offences and legal proceedings.
Part X.—Scotland.

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Repeal of Acts in schedule.

4. The Acts described in the first schedule to this Act are hereby repealed, but this repeal shall not extend to Ireland, or affect the past operation of any of those Acts, or affect any order of Her Majesty in Council made, or any order or regulation of the Privy Council or of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those Acts, before the passing of this Act; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any of the Acts repealed by this Act, or any order or regulation made thereunder, or take away or abridge any protection or benefit conferred or secured by any of those Acts in relation to anything done thereunder before the passing of this Act; and, notwithstanding the repeal by this Act of any of those Acts, every local authority constituted thereby or thereunder shall (subject to any provision of this Act altering the local authority or the constitution thereof in any case) continue as if this Act had not been passed; and every such order, regulation, licence, committee, sub-committee, and appointment as aforesaid shall continue and be as if this Act had not been passed, but so that the same may be revoked, altered, or otherwise dealt with under this Act as if the same had been made, granted, or constituted under this Act.

Definition, &c. of Privy Council.

5. In this Act the term "the Privy Council" means the lords and others of Her Majesty's Most Honourable Privy Council.

All or any powers by this Act conferred on the Privy Council may be exercised by those lords and others or any two or more of them.

Powers by this Act conferred on the Privy Council may, as regards the making of orders affecting only specified ports, towns, or places, or parts thereof, and as regards the issuing and revocation of licences under any Order of Council, be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Interpretation of terms as to animals, &c.

6. In this Act—

The term "cattle" means bulls, cows, oxen, heifers, and calves:

The term "animal" means, except where it is otherwise expressed, cattle, sheep, goats, and swine:

The term "foreign," as applied to cattle or animals, means brought from any place out of the United Kingdom:

The term "cattle plague" means the rinderpest, or disease commonly called the cattle plague:

The term "contagious or infectious disease" includes cattle plague, pleuro-pneumonia, foot-and-mouth disease, sheep-pox, sheep-

scab, and glanders, and any disease which the Privy Council from time to time by order declare to be a contagious or infectious disease for the purposes of this Act:

The term "railway company" includes a company or person working a railway under lease or otherwise:

The term "person" includes a body corporate or unincorporate.

Definition of boroughs and other places.

7. In this Act—

The term "borough" means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), "to provide for the regulation of municipal corporations in "England and Wales," or which is a town or place having under any general or local Act of Parliament or otherwise a separate police establishment:

The term "county" does not include a county of a city or county of a town, but includes any riding, division, or parts of a county, having a separate commission of the peace:

The term "metropolis" includes all parishes and places in which the Metropolitan Board of Works have or had power to levy a main drainage rate.

For the purposes of this Act, the liberty of St. Albans, the liberty of the Isle of Ely, and the soke of Peterborough shall respectively be deemed separate counties, but all other liberties and franchises of counties shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

Every place that is not a borough, a county, or part of the metropolis as respectively defined in this Act, or is not separately mentioned in the second schedule to this Act, shall be deemed to form part of a county as defined in this Act to the county rate whereof it is assessed, or if it is not so assessed, then of the county within which it is situate.

Effect of schedules.

8. The schedules to this Act shall be construed and have effect as part of this Act.

Part II.—Local Authorities.

Local authorities, &c. in schedule.

9. For the purposes of this Act, the respective districts, authorities, rates or funds, and officers described in the second schedule to this Act, shall be the district, the local authority, the local rate, and the clerk of the local authority.

Local authority in city of London.

10. Notwithstanding anything in this Act or the second schedule thereto, within the city of London and the liberties thereof the mayor,

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aldermen, and commons of the city of London shall be the local authority, and the town clerk shall be the clerk of the local authority, and the consolidated rate shall be the local rate, but the city of London and the liberties thereof shall nevertheless be deemed part of the metropolis for the purposes of the local rate described in the second schedule to this Act in relation to the metropolis.

Appointment of committees.

11. With respect to committees of a local authority, the following provisions shall have effect:—

(1.) A local authority shall form a committee or committees, and may delegate to any such committee all or any powers conferred on the local authority by this Act, except the power to make a rate:

(2.) A local authority may from time to time revoke or alter any power given by them to a committee:

(3.) A local authority may appoint and designate any such committee as their executive committee for the purposes of this Act:

(4.) Such an executive committee shall have all the powers of the local authority under this Act, except the power to make a rate, and may appoint a sub-committee or sub-committees, and delegate to them all or any powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and fix the quorum, and add to or diminish the number of the members, or otherwise alter the constitution of a sub-committee, and lay down rules for the guidance of a sub-committee, who shall act accordingly:

(5.) Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in case of a committee appointed by general or quarter sessions of a county, by the termination of the sessions at which they were appointed:

(6.) In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority:

(7.) The regulations contained in the third schedule to this Act shall have effect with respect to committees and sub-committees.

Inspectors and Officers.

Appointment of inspectors and other officers by local authorities.

12. Every local authority shall from time to time appoint so many inspectors and other officers as appear to the local authority necessary for the execution of this Act, and shall assign them such duties and award them such salaries or allowances as the local

authority think fit, and may at any time revoke any appointment so made, but so that every local authority shall at all times keep appointed at least one inspector.

Removal of inspectors.

13. The Privy Council, if satisfied on inquiry that an inspector appointed by a local authority is incompetent, or has been guilty of misconduct or neglect in the discharge of his duty, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector for the purposes of this Act.

Reports to Privy Council, &c.

14. Every local authority, and every inspector appointed by a local authority, shall make such reports to the Privy Council as the Privy Council from time to time require.

Part III.—Foreign Animals.

Power to define ports.

15. The Privy Council may from time to time by order define the limits of ports for the purposes of this part of this Act.

Power to prohibit landing of foreign animals.

16. The Privy Council may from time to time by order, in relation to foreign animals, or to any specified kind of foreign animals, or to foreign animals, or any specified kind thereof, brought from any specified country or place, prohibit the landing thereof either generally, or in any specified port, or in any defined part thereof, or elsewhere than in some specified port or ports, or than in some defined part or parts thereof.

This section shall extend to horses and other animals not within the definition of animals in this Act.

Power to apply regulations in schedule to landing in specified cases.

17. The Privy Council may from time to time by order apply to the landing, either generally, or with specified exceptions, or in some specified port, or in some defined part thereof, of foreign animals, or of any specified kind of foreign animals, or of foreign animals, or any specified kind thereof, brought from any specified country or place, and to the movement and disposal thereof when landed, the regulations contained in the fourth schedule to this Act, or any of them.

Power to vary regulations.

18. The Privy Council may from time to time by order, in relation to foreign animals, or to any specified kind of foreign animals, or to foreign animals, or any specified kind thereof, brought from any specified country or place, add to or vary the regulations contained in the fourth schedule to this Act.

Provision respecting animals within port, &c.

19. Where the regulations contained in the fourth schedule to this Act, or any of them, (with or without addition or variation,) are in operation in respect of a port or a defined part thereof,

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then all animals for the time being within that port or defined part shall, subject to any order of the Privy Council to the contrary, be deemed foreign animals, and the same regulations shall apply thereto accordingly.

Power to impose quarantine.

20. The Privy Council may from time to time by order make such regulations as they think expedient for imposing conditions on the landing of or for subjecting to inspection or to quarantine foreign animals, or any specified kind of foreign animals, or foreign animals, or any specified kind thereof, brought from any specified country or place.

This section shall extend to horses and other animals not within the definition of animals in this Act.

Punishment for wrongful landing, &c.

21. If any person lands or attempts to land any foreign animal (including any horse or other animal not within the definition of animals in this Act) in contravention of any order of the Privy Council, the animal shall be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited; and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Acts relating to the Customs, without prejudice to any proceeding against him under this Act or any such order, but so that no person be punished twice for the same offence.

Return of diseases among foreign animals to be published in London Gazette.

22. There shall be published in the London Gazette once in every month, under the direction of the Privy Council, a return of the number of foreign animals brought by sea to any port in Great Britain which on inspection on landing within the then last preceding month have been found to be affected with any contagious or infectious disease, specifying the disease and the ports from which and to which such animals are brought, and the mode in which such animals have been disposed of.

Power to provide, &c. wharves, lairs, &c.

23. A local authority may provide, erect, and fit up wharves, lairs, sheds, markets, houses, and places for the landing, reception, sale, and slaughter of foreign animals.

Incorporation of Markets, &c. Clauses Act, 1847.

24. There shall be incorporated with this part of this Act The Markets and Fairs Clauses Act, 1847; and for the purposes of the application and construction of that Act in conjunction with this part of this Act any place provided by a local authority under this part of this Act for the landing, reception, sale, or slaughter of foreign animals shall be deemed a market, and this part of this Act shall be deemed the special Act, and the prescribed limits shall be deemed to be the limits of the lands acquired for the purposes

of this part of this Act; and byelaws shall be approved by the Privy Council, which approval shall be sufficient, without any other approval or any allowance thereof (notice of application for such approval being nevertheless given, and proposed byelaws being published before application for approval, in like manner as under that Act notice of application for allowance and publication before that application are required to be made).

Charges for use of wharves, &c.

25. A local authority may charge for the use of any wharf, lair, shed, market, house, or place provided by them under this part of this Act such sums as they from time to time by byelaw appoint.

Power to give as security for borrowed money, charges, estates, &c.

26. A local authority, on exercising for the purposes of this part of this Act the borrowing powers vested in them under this Act, may, if they think fit, give as security for repayment of money borrowed with interest (either together with the local rate, if any, or separately therefrom) the charges which they are authorized to make under this part of this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law.

Separate account and application of money received.

27. All money received by a local authority from charges made by them under this part of this Act shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for the purposes of this part of this Act, and in repayment of the principal thereof, and subject thereto towards discharge of expenses incurred by them in the execution of this Act.

Special provisions respecting metropolis.

28. With respect to the metropolis, notwithstanding anything in this Act or in the second schedule thereto, the following provisions shall have effect:

(1.) The mayor, aldermen, and commons of the city of London shall, for the purposes of this part of this Act, be exclusively the local authority in and for the metropolis:

(2.) The mayor, aldermen, and commons, on exercising for the purposes of this part of this Act the borrowing powers vested in a local authority under this Act, may borrow on the credit of the property on the credit whereof they are authorized to borrow by The Metropolitan Market Act, 1865, and the money so borrowed may be secured in the manner and subject and according to the provisions in that Act authorized and contained:

(3.) All money received by the mayor, aldermen, and commons from charges made by them under this part of this Act shall (subject to the application thereof as in this part of this Act directed in payment of interest on and in repayment of principal of money borrowed for the pur-

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poses of this part of this Act) be applied in repayment of the principal of money borrowed by them under The Metropolitan Market Acts, 1857 and 1865, and subject thereto in discharge of expenses incurred by them in the execution of this part of this Act:

(4.) From and after the opening for public use of a market provided by the mayor, aldermen, and commons under this part of this Act to the satisfaction of the Privy Council (declared by order), the maximum tolls, dues, and payments that may be taken under The Metropolitan Market Act, 1857, in respect of the animals mentioned in the fifth schedule to this Act, shall be the sums in that schedule specified in lieu of those specified in schedule A. to that Act.

Provision on failure of corporation of London to provide market.

29. Provided that if the mayor, aldermen, and commons of the city of London do not before the first day of January one thousand eight hundred and seventy-two provide and open for public use a market for the purposes of this part of this Act to the satisfaction of the Privy Council (declared by order), then on and after that day the following consequences shall ensue:

(1.) The provision of this part of this Act making the mayor, aldermen, and commons exclusively for the purposes of this part of this Act the local authority in and for the metropolis shall cease to operate:

(2.) The enactment in section fifteen of The Metropolitan Market Act, 1857, that no new market for the sale of cattle or horses shall be opened in the cities of London or Westminster, or the liberties thereof, or in the borough of Southwark, or at any place distant less than seven miles in a straight line from Saint Paul's Cathedral in the city of London, shall not prevent any local authority or person from establishing a market for the purposes of this part of this Act in or at any place named or defined in that section.

Continuance of defined part where market, &c. provided.

30. Where a local authority, with the approval of the Privy Council, have before or after the passing of this Act provided, erected, and fitted up within a part of a port defined by the Privy Council as a place where foreign animals may be landed any wharf, lair, shed, market, house, or place for the landing, reception, sale, or slaughter of foreign animals, it shall not be lawful for the Privy Council (as long as importation of foreign animals at that port is allowed, but under restriction) to revoke the definition of the part or parts of that port at which foreign animals may be landed, or

to alter it so as to exclude therefrom any part of the site of such wharf, lair, shed, market, house, or place, except with the consent of the local authority; and if any railway company have provided, erected, or fitted up any such wharves, lairs, sheds, markets, houses, or places, the same may, with the approval of the Privy Council, be used for the purposes of this part of this Act.

Part IV.—Discovery and Prevention of Disease.

Inspector to proceed on information.

31. An inspector of a local authority, on receiving information of the supposed existence of cattle plague, pleuro-pneumonia, or sheep-pox, or having reasonable ground to suspect that any of those diseases exists in any place within his district, shall proceed to that place with all practicable speed, and execute and discharge the powers and duties by or under this Act conferred and imposed on him as inspector.

Power of entry for inspector, &c.

32. An inspector or other officer of a local authority authorized to act in the execution of this Act may at any time enter any field, stable, cow-shed, or other premises within his district, where he has reasonable grounds for supposing that any animal affected with cattle plague, pleuro-pneumonia, or sheep-pox is to be found, for the purpose of executing this Act, but shall, if required, state in writing the grounds on which he has so entered.

If any person refuses admission to such inspector or officer acting under this section, he shall be deemed guilty of an offence against this Act.

Evidence of disease.

33. The certificate of an inspector of a local authority to the effect that an animal within his district is affected with cattle plague, pleuro-pneumonia, or sheep-pox, shall for the purposes of this Act be conclusive evidence in all courts of justice and elsewhere of the matter certified.

Infected Places: Cattle Plague and Sheep-pox.

Provisional declaration of infected place by inspector.

34. Where an inspector finds cattle plague or sheep-pox to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the field, stable, cowshed, or other premises where the disease is found, and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall become and be an infected place, and the same shall continue to be an infected place until the determination and declaration of the local authority relative thereto in this Act provided for.

Determination and declaration of local authority.

35. Where an inspector makes such a declaration of the existence of cattle plague or sheep-pox, he shall with all practicable speed send a copy thereof to the Privy Council, and deliver the declaration

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to the local authority, who shall forthwith inquire into the correctness thereof, and if it appears to them that cattle plague or sheep-pox existed as declared by the inspector, they shall so determine and declare, and shall prescribe the limits of the infected place; but if it appears to them that cattle plague or sheep-pox did not exist as declared by the inspector, and the same is certified to them in writing by one or more duly qualified veterinary surgeon or surgeons, employed by them in that behalf, they shall so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby, shall cease to be an infected place.

Declaration of infected place by local authority or Privy Council.

36. A local authority with respect to any place within their district, and the Privy Council with respect to any place in Great Britain, may from time to time by order declare any field, stable, cowshed, or other premises in which cattle plague or sheep-pox exists at the date of the order or has existed within seven days before that date, with or without a further area, to be from and after a time specified in the order an infected place.

Extent of area on declaration by local authority.

37. The area of an infected place may in all cases of a declaration by a local authority include, with the field, stable, cowshed, or other premises in which cattle plague or sheep-pox has been found to exist, all lands and buildings lying contiguous thereto, being in the same occupation, and within the district of the local authority, and also (except in the metropolis) an area comprised within one mile from the boundaries of those lands in every direction, but no more.

Extension of area into district of other authority.

38. A local authority may include in the area of an infected place any adjoining part of the district of another local authority, with the previous consent of that authority in writing signed by their clerk, but not otherwise.

Extent of infected place under declaration by Council.

39. The area of an infected place may in all cases of a declaration by the Privy Council include, with the field, stable, cowshed, or other premises in which cattle plague or sheep-pox has been found to exist, such an area as to the Privy Council seems requisite.

Area of infected places in metropolis.

40. With respect to the metropolis the Privy Council may from time to time by order extend the limits of an infected place beyond the boundaries of the field, stable, cowshed, farm, or premises where cattle plague or sheep-pox is declared or found to exist.

Description of infected place.

41. The area of an infected place may in any case be described by reference to a map deposited at some specified place, or by reference to townships, parishes, farms, or otherwise.

Notice of declaration.

42. An order of a local authority declaring a place to be an infected place shall be published by the local authority by notices posted in and near the infected place, and in such other manner (if any) as they think expedient.

An order of the Privy Council declaring a place to be an infected place shall be published in like manner by and at the expense of any local authority to whom the same is sent by the Privy Council for publication.

Any want of or defect or irregularity in publication shall not invalidate any order.

Order evidence of disease.

43. An order of a local authority or of the Privy Council declaring a place to be an infected place shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters on which the order proceeds.

Rules in schedule.

44. The rules set forth in the sixth schedule to this Act shall have effect with respect to infected places (which rules are in this Act referred to as the rules of this Act with respect to infected places).

Offences as to infected places.

45. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, every person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act.

Exception for railways.

46. The rules of this Act with respect to infected places shall not restrict the moving of any animal or thing by railway through an infected place, such animal or thing not being stopped within the infected place.

Power to Privy Council to make rules as to infected places.

47. The Privy Council may from time to time by order make rules with respect to infected places not being inconsistent with the rules set forth in the sixth schedule to this Act; and with respect to the metropolis, the Privy Council may also from time to time, if they think it expedient, vary the rules set forth in that schedule; and all rules and variations of rules so made shall be deemed rules of this Act with respect to infected places.

Duties of local authorities, &c.

48. Every local authority and the police of every county, borough, town, and place shall, within their respective districts, enforce and execute the provisions of this Act and of any order of the local authority or Privy Council thereunder relative to infected places, and do or cause to be done all things from time to time necessary or expedient for securing, as far as may be, the effectual isolation of infected places in respect of the movement of animals and things.

Authority of constable.

49. Any constable may proceed as follows:

(1.) He may apprehend any person found committing an offence against the rules of this Act with respect to infected places, and he shall take any person so apprehended, as

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soon as conveniently may be, before a justice of the peace to be examined and dealt with according to law; and a person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest:

(2.) He may require that any animal or thing moved out of an infected place in contravention of those rules be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

Discontinuance of declaration of infected places.

50. The local authority by whom an infected place is declared may, at any time after the expiration of twenty-eight days from the disappearance of cattle plague or sheep-pox (as the case may be) in that place, by order declare the place to be free from cattle plague or sheep-pox (as the case may be).

The Privy Council may at any time by order declare any place to be free from cattle plague or sheep-pox.

Thereupon, as from the time specified in this behalf in the order of the local authority or Privy Council, the place shall cease to be an infected place as regards cattle plague or sheep-pox (as the case may be).

Report to Privy Council.

51. The clerk of a local authority declaring a place to be an infected place, or declaring a place to be free from cattle plague or sheep-pox, shall forthwith report by post to the Privy Council the fact of such declaration having been made.

Effect of orders of Council.

52. An order of the Privy Council relative to an infected place shall supersede any order of a local authority inconsistent with it.

Restriction on movement, &c. near infected places.

53. Where, under this Act, an inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the rules of this Act with respect to infected places shall, until the determination and declaration of the local authority relative thereto in this Act provided for, apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place.

Pleuro-pneumonia.

Provisional declaration as to pleuro-pneumonia by inspector.

54. Where an inspector finds pleuro-pneumonia to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declara-

tion to the occupier of the field, stable, cow-shed, or other premises where the disease is found; and thereupon the rules set forth in the seventh schedule to this Act (in this Act called the pleuro-pneumonia rules of this Act) shall have effect in relation to such field, stable, cow-shed, or other premises until the determination and declaration of the local authority relative thereto in this Act provided for.

Determination and declaration by local authority as to pleuro-pneumonia.

55. Where an inspector makes a declaration of the existence of pleuro-pneumonia, he shall with all practicable speed send a copy thereof to the Privy Council, and deliver the declaration to the local authority, who shall inquire into the correctness thereof; and if it appears to them that pleuro-pneumonia existed as declared by the inspector, they shall so determine and declare, and thereupon the pleuro-pneumonia rules of this Act shall continue to apply to the field, stable, cow-shed, or other premises to which the declaration relates; but if in any such case it appears to the local authority that pleuro-pneumonia did not exist as declared by the inspector, or that a fresh case of pleuro-pneumonia has not occurred for thirty days in such field, stable, cow-shed, or other premises, then the local authority shall so determine and declare, and the pleuro-pneumonia rules of this Act shall cease to operate in relation thereto.

Miscellaneous.

Forms in schedule.

56. The forms given in the eighth schedule to this Act, with such variations as circumstances require, may be used by an inspector for the purposes of this part of this Act, and a declaration of disease under this part of this Act shall not be deemed a certificate of the inspector for any purpose of this Act.

Exposure for sale, transport by railway, &c. of diseased animals.

57. If any person exposes in a market or fair or other public place where horses or animals are commonly exposed for sale, or exposes for sale in any sale-yard, whether public or private, or places in a lair or other place adjacent to or connected with a market or fair, or where horses or animals are commonly placed before exposure for sale, or sends or causes to be carried on a railway, or on a canal, river, or other inland navigation, or on a coasting vessel, or carries, leads, or drives, or causes to be carried, led, or driven on a highway or thoroughfare, any horse or animal affected with a contagious or infectious disease, he shall be deemed guilty of an offence against this Act, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of the same being so affected, and that he could not with reasonable diligence have obtained such knowledge.

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Where any horse or animal so affected is exposed or otherwise dealt with in contravention of this section, an inspector of the local authority or any officer of the local authority authorized to act in execution of this Act may seize the same, and cause it, if affected with glanders, cattle plague, or sheep-pox, to be slaughtered, and if affected with any other contagious or infectious disease to be removed to some convenient and isolated place, and to be there kept for such time as the local authority think expedient; and the local authority may recover the expenses of the execution by them of this section from the owner of the horse or animal, or from the consignor or consignee thereof, who may recover the same from the owner.

In case of a conviction for an offence under this section no compensation shall be payable in respect of any animal slaughtered under this section.

Notwithstanding anything in this section, the Privy Council may from time to time, by order, make such further or other provision as they think expedient respecting animals becoming affected with foot-and-mouth disease, or any other contagious or infectious disease not being cattle plague, pleuro-pneumonia, sheep-pox, or glanders, while exposed or placed or being carried, led, or driven as aforesaid, and any such order shall be deemed part of this section.

Turning out of diseased animals on uninclosed lands, &c.

58. If any person places or keeps on any common or uninclosed land or in any field or other place insufficiently fenced, or on the side of a highway, any horse or animal affected with a contagious or infectious disease, he shall be deemed guilty of an offence against this Act, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of the same being so affected, and that he could not with reasonable diligence have obtained such knowledge.

Trespass on land.

59. Where a person having cattle in his possession or keeping within the district of a local authority wherein cattle plague exists affixes at the entrance to a building or inclosed place in or on which such cattle are kept a notice forbidding persons to enter into or on that building or place without his permission, then, if any person not having a right of entry or way into, on, or over that building or place, enters into, on, or over the same or any part thereof, in contravention of the notice, he shall for every such offence be liable to a penalty not exceeding five pounds.

Burial of diseased animals.

60. Every local authority shall cause every horse or animal that has died of glanders, cattle plague, or sheep-pox, or has been slaughtered in consequence of being affected with glanders, cattle plague, or sheep-pox, within their district, to be buried as soon as possible in its skin in some proper place, and to be covered with

a sufficient quantity of quicklime or other disinfectant, and with not less than six feet of earth, or to be destroyed under inspection of the local authority in such mode as the Privy Council from time to time by order direct or approve.

It shall not be lawful for any person, except with the licence of the Privy Council, to dig up or cause to be dug up the carcase or any part of the carcase of any horse or animal so buried.

Purification of sheds, &c. of diseased animals.

61. A local authority shall cause the yard, shed, stable, field, or other premises in which any horse or animal affected with glanders or cattle plague or sheep-pox has been kept while so affected, or has died or been slaughtered, to be thoroughly cleansed and disinfected, and all hay, straw, litter, dung, or other article that has been in contact with or used about any such horse or animal to be burnt or otherwise destroyed.

No fresh animal shall be admitted into any yard, shed, stable, field, or other premises in which any animal affected with cattle plague or sheep-pox has been kept while so affected, or has died or been slaughtered, until the expiration of thirty days after the cleansing and disinfecting of such premises in pursuance of this Act.

Any such hay, straw, litter, dung, or other article shall not be removed from the premises in which any horse or animal affected with glanders or cattle plague has been, except for the purpose of being destroyed and with a licence of an inspector specifying the place at which it is to be destroyed, nor shall it be removed out of the district of the local authority without the consent in writing of the local authority into whose district it is moved. If any such thing is removed in contravention of this Act, the occupier of the premises from which it is removed and the person removing it shall each be deemed guilty of an offence against this Act.

A local authority shall direct the disinfecting of the clothes of and the use of due precautions against the spreading of contagion by inspectors and others in contact with animals affected with cattle plague.

Steamboat and railway companies &c. to disinfect carriages, boats, &c.

62. Every steamboat, railway, and other company, and every person carrying animals for hire to or in Great Britain, shall thoroughly cleanse and disinfect, in such manner as the Privy Council from time to time by order direct, all steamers, vessels, boats, pens, carriages, trucks, horse-boxes, and vehicles used by such company or person for the carrying of animals.

If any company or person on any occasion fails to comply with the requisitions of any such order, such company or person

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shall on every such occasion be deemed guilty of an offence against this Act.

An inspector of a local authority, or any officer of a local authority authorized to execute this Act, may at all times enter on board any steamer, vessel, or boat in respect whereof he has reasonable grounds for supposing that any company or person has failed to comply with the requisitions of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, truck, horse-box, or vehicle in respect whereof any company or person has on any occasion so failed is to be found; and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of an offence against this Act.

Regulations for disinfecting.

63. The Privy Council may from time to time by order give directions respecting modes of disinfecting, and anything disinfected in accordance with the provisions of such order, or in accordance with any process of disinfection approved by the Privy Council, shall be deemed disinfected within this Act, but not otherwise.

Water and food to be provided at railways to satisfaction of Privy Council.

64. Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried or about to be or having been carried on the railway of the company; and such water and food, or either of them, shall be supplied to any such animal by the company carrying it on the request in writing of the consignor thereof, or on the request of any person in charge thereof, and the company so supplying water and food, or either of them, may make in respect thereof such reasonable charges, if any, as the Privy Council by order approve, in addition to such charges as they are for the time being authorized to make in respect of the carriage of animals; and the amount of such additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them by proceedings in any court of competent jurisdiction, and the company shall have a lien for the amount thereof on the animal in respect of which the same accrued due, and on any other animal at any time consigned by the same person to be carried by the company.

If any company on any occasion fails to comply with the requirements of this section, they shall, on every such occasion, be deemed guilty of an offence against this Act. If in the case of any animal such a request as aforesaid is not made so that the

animal remains without a supply of water for thirty consecutive hours, or other period not being less than twelve hours as the Privy Council from time to time by order prescribe, the consignor and the person in charge of the animal shall each be deemed guilty of an offence against this Act; and it shall lie on the person accused to prove the time within which the animal has had a supply of water. A.D. 1869.

PART V.—SLAUGHTER IN CATTLE PLAGUE: COMPENSATION.

Slaughter in cattle plague.

65. Every local authority shall cause all animals affected with cattle plague within their district to be slaughtered.

Slaughter of cattle herded with diseased animals.

66. A local authority may, if they think fit, cause to be slaughtered any animal that has been in the same shed or stable, or in the same herd or flock, or in contact with any animal affected with cattle plague within their district.

Slaughter of animals to ascertain disease.

67. Where an animal is affected with disease suspected to be cattle plague, the local authority may cause the animal to be slaughtered in order to ascertain the nature of the disease.

Compensation to owners of animals on slaughter.

68. Where an animal affected with cattle plague, or affected with disease suspected to be cattle plague, is slaughtered in pursuance of this Act, the local authority (except as otherwise provided in this Act) shall, by way of compensation for the animal, pay to the owner thereof such sum, not exceeding twenty pounds and not exceeding one half of the value of the animal immediately before it was affected with cattle plague, as to the local authority seems fit.

Compensation for slaughter of cattle herded with diseased animals.

69. Where a local authority causes an animal to be slaughtered on account of it having been in the same shed or stable, or in the same herd or flock, or in contact with an animal affected with cattle plague, the owner of the animal so slaughtered may either dispose of the carcase on his own account, with a licence from some officer appointed in that behalf by the local authority, or may require the local authority to dispose of the same, in which latter case the local authority shall pay to the owner thereof, by way of compensation, such sum, not exceeding thirty pounds, as may equal three fourths of the value of the animal slaughtered.

Power to ascertain value of slaughtered animals.

70. A local authority may require the value of any animal slaughtered under this Act to be ascertained by officers of the local authority or by arbitration, and generally may impose conditions as to evidence of the slaughter and value of the animals slaughtered.

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Restrictions on compensation.

71. A local authority may, if they think fit, withhold compensation in respect of any animal slaughtered, where the owner or the person having the charge thereof has in their judgment been guilty, in relation to such animal, of any act in contravention of this Act, or of any order, regulation, or licence of the Privy Council or of a local authority, or has, in relation to such animal, failed to comply with the provisions of this Act, or of any such order, regulation, or licence in respect of the giving of notice of disease or in any other respect, and may, if they think fit, withhold compensation in respect of a foreign animal slaughtered on account of it being affected with cattle plague, or with disease suspected to be cattle plague, if it appears to them that the animal was so affected at the time of the landing thereof.

Amount of insurance to be recovered.

72. Where an animal has been slaughtered in pursuance of this Act, the owner thereof shall not be entitled to recover in respect of the insurance thereof any sum which, together with the payment which he receives for the same under this Act, would exceed the sum which he would have been entitled to receive in respect of the insurance.

Reservation for experimental treatment.

73. The Privy Council may, notwithstanding anything in this Act, reserve for experimental treatment any animal ordered to be slaughtered under this Act, but compensation shall be payable in respect thereof as if this section had not been enacted.

Record respecting slaughter.

74. Every local authority shall keep, in such manner and form as the Privy Council from time to time by order direct or approve, a record relative to proceedings under this part of this Act, stating the date of any order for slaughter, and the execution of the order, or the reservation of the animal for experimental treatment (as the case may be), and other proper particulars; and such record shall be evidence if any question arises concerning an order for the slaughter of any animal, or concerning compensation in respect thereof.

PART VI.—ORDERS OF COUNCIL AND LOCAL AUTHORITIES. A.D. 1869.

Power for Privy Council to make orders.

75. The Privy Council may from time to time make such orders as they think expedient for all or any of the following purposes:

For insuring for animals brought by sea to ports in Great Britain a proper supply of food and water during the passage and on landing:

For protecting such animals from unnecessary suffering during the passage and on landing:

For protecting animals from unnecessary suffering during inland transit:

For prohibiting or regulating the movement of animals, and the removal of dead animals or parts thereof, and of hay, straw, litter, dung, and other things likely to spread contagious or infectious diseases among animals:

For requiring the cleansing and disinfecting of yards, sheds, stables, fields, and other premises:

For regulating the disposal of animals dying while affected with a contagious or infectious disease:

For requiring notice of the appearance of any such disease among animals:

For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals:

And generally any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the introduction or spreading of contagious or infectious disease among animals in Great Britain (whether any such orders are of the same kind as the kinds enumerated in this section or not), and may in any such order direct or authorize the slaughtering of animals that are affected with any contagious or infectious disease, or that have been in contact with animals so affected; and may in any such order direct or authorize the local authority to pay compensation for any animals so slaughtered; and may in any such order impose penalties for offences against the same, not exceeding the sum of twenty pounds for any such offence, and so that in every such order provision be made that a penalty less than the maximum may be ordered to be paid; and this section shall extend to horses and all ruminating animals not within the definition of animals in this Act.

Every such order shall have the like force and effect as if it had been enacted by this Act.

Privy Council inspectors.

76. A person for the time being appointed by the Privy Council an inspector for the purposes of this Act shall have for and through-

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out Great Britain all such powers, authorities, and privileges as an inspector of a local authority has within or in relation to his district, and a direction of the Privy Council shall in the case of an inspector appointed by them be deemed equivalent to a direction of a local authority in the case of an inspector appointed by them.

Provisions for towns, &c.

77. The Privy Council may from time to time, by order, declare that such of the provisions of this Act, and of any order of the Privy Council under it, as relate to the metropolis, or any of those provisions, shall also extend and apply to any town, city, parish, or place specified in the order, and the same shall extend to such town, city, parish, or place accordingly; and the Privy Council may at any time revoke or from time to time vary any such order.

Regulation, &c. of landing of hay, &c.

78. The Privy Council may from time to time by order make such regulations as they think expedient for prohibiting or regulating the landing of any hay, straw, fodder, or other article brought from any place out of the United Kingdom, whereby it appears to the Privy Council contagion or infection may be conveyed to animals, or for causing the same to be destroyed if landed.

If any person lands or attempts to land any hay, straw, fodder, or other article in contravention of any such order, the same shall be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited, and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Acts relating to the Customs, without prejudice to any proceeding against him under this Act or any such order, but so that no person be punished twice for the same offence.

Directions of Council and local authority.

79. The Privy Council may require a local authority to carry into effect any order of the Privy Council under this Act, and may authorize a local authority to make any regulations for the purpose of preventing the spreading of contagious or infectious diseases among animals, subject to such conditions as the Privy Council impose, and the local authority may by any such regulation impose such penalties as the Privy Council are by this Act authorized to impose by order.

Expenses of execution of orders.

80. The expenses incurred by a local authority in executing any order of the Privy Council under this Act shall be defrayed by the local authority out of such local rates or funds as such order directs, and subject to or in the absence of any such direction shall be deemed expenses incurred by the local authority in pursuance of this Act.

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Publication of orders, &c.

81. Every order of the Privy Council under this Act shall be published in the London Gazette, save that where an order of the Privy Council affects only a particular port, town, or place, or part thereof, specified in the order, or declares a place to be an infected place, or to be free from cattle plague or from sheep-pox, or is in the nature of a licence under an order of Council, or of a revocation of such a licence, then the insertion in the London Gazette of a notice of the issuing thereof shall be for all purposes sufficient publication thereof.

Any order of the Privy Council under this Act shall be published, by and at the expense of any local authority to whom the same is sent by the Privy Council for publication, in some newspaper circulating in the district of the local authority, or in such other manner as the Privy Council direct.

Any order or regulation made by a local authority shall be published by them at their own expense in such manner as the Privy Council direct, and, subject to or in the absence of any such direction, in such manner as the local authority think sufficient and proper to ensure publicity.

Instrument may be in print, &c.

82. Any order, licence, regulation, or other instrument made under this Act, or under any order of the Privy Council thereunder, may be in writing or print, or partly in writing and partly in print.

Stamp duty and fees not to be paid.

83. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, or licence under this Act, or any order or regulation made thereunder.

Evidence of orders.

84. An order or regulation made or issued by a local authority under this Act, or under any order of the Privy Council, may be proved as follows :—

By the production of a copy of a newspaper containing a copy of such order or regulation ; or

By the production of a printed copy of such order or regulation, purporting to be certified to be a true copy by the clerk of the peace where the authority are justices in general or quarter sessions assembled, or by the town clerk or other officer performing the duties of a town clerk in the case of an authority having a town clerk or other officer as aforesaid, or by such other officer as the Privy Council prescribe :

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date.

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Recovery of penalties.

85. Penalties and forfeitures shall be recoverable and applicable under an order of the Privy Council, or an order or regulation of a local authority, as penalties and forfeitures under this Act are recoverable and applicable.

Part VII.—Lands.

Acquisition of land by local authority.

86. A local authority may purchase or take on lease or at a rent land for the purpose of burying therein animals dying of or slaughtered on account of any contagious or infectious disease, or for the purpose of providing wharves, lairs, sheds, markets, houses, and places for the landing, reception, sale, and slaughter of foreign animals, or for any other purpose of this Act, and may sell, exchange, or dispose of lands acquired by them under this Act, but not required to be retained for the purposes thereof, carrying the money produced thereby to the credit of the local rate.

Conveyances, &c. of land.

87. Land purchased or taken on lease or at a rent under this Act by a local authority, not being a body corporate, shall be assured or demised to the local authority and their successors, in trust for the purposes of this Act, and shall be accepted, taken, and held by them as a body corporate.

Purchase under provisional order.

88. The regulations contained in section seventy-five of The Local Government Act, 1858, shall be observed with respect to the purchase of land by a local authority for the purposes of this Act, and shall apply and have effect as if the local authority were a local board acting under the Local Government Act, and the purposes of this Act were purposes of that Act, save that the advertisements and notices requisite under that section may be published and served in any two consecutive months instead of only in the months therein specified, and that the local rate be substituted for the rates therein mentioned; and the powers conferred by this section may be exercised by a local authority with respect to land either within or without their district.

Part VIII.—Expenses of Local Authorities.

Expenses for compensation.

89. The expenditure of a local authority in compensation for animals slaughtered under Part V. of this Act, or in respect of principal of or interest on money borrowed in pursuance of this Act, shall be defrayed out of the local rate, or out of a separate

rate to be levied in all respects as the local rate, and included under the term local rate. A.D. 1869.

Any person who is not the owner of the premises in respect of which he is rated under this section to the local rate may deduct from the growing rent due to the owner of such premises one half of the rate payable by him for the purposes of this section, and every owner shall allow such deduction accordingly.

The owner for the purposes of this section shall be the person for the time being entitled to receive the rackrent of the premises in respect of which the rate is made on his own account, or who would be entitled to receive the same if such premises were let at a rackrent, including under the term rackrent any rent which is not less than two thirds of the net annual value of the premises out of which the rent issues.

Every local authority shall have power, notwithstanding any limit in any Act of Parliament, to levy a local rate to the amount required for the purposes of this Act, but every rate or increase of rate levied under this section shall in all precepts for the levy thereof be described as a separate rate or separate item of rate, and when collected from the individual ratepayers shall be collected as a separate rate or specified as a separate item of rate.

Every order of a board of guardians for contribution of monies, out of which any such expenditure as in this section mentioned is payable, shall state the amount in the pound of contribution required for such expenditure; and the overseers, on the receipt given to any ratepayer for poor rate, shall specify the amount (if any) collected in respect of such expenditure.

General expenses.

90. Expenses incurred by a local authority in pursuance of this Act, other than their expenditure in compensation for animals slaughtered under Part V. of this Act, or in respect of principal of or interest on money borrowed in pursuance of this Act, shall be defrayed out of the local rate.

Remission of rate in certain cases.

91. Where before the twentieth day of February one thousand eight hundred and sixty-six any person suffered so great a loss of cattle by cattle plague as to entitle him, after the passing of this Act, in the opinion of the local authority, to a remission in whole or in part of the amount due from him in respect of the local rate, such remission may be granted by the local authority.

Application of balance unappropriated.

92. Where at the passing of this Act a local authority have in their hands an unappropriated balance of a local rate levied under any Act repealed by this Act, they may, if they think fit, apply any part of such balance in compensation for cattle

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slaughtered between the passing of "The Cattle Diseases Prevention Act, 1866," and the appointment of inspectors under that Act, by direction of a person whom the owner of such cattle had reasonable ground to believe to be the authorized inspector for the execution of the Act; or they may carry such balance or any part thereof to the credit of the ordinary account of the local rate, to be applied for any of the purposes for which the local rate when levied under any Act other than an Act repealed by this Act is applicable.

Variation of forms of precepts and orders.

93. All precepts, orders for contribution, and forms of poor rate shall, where necessary, be varied in such manner as may be required for carrying into effect this Act.

Advance of monies by treasurer of local authority.

94. The treasurer of a local authority may, if directed by them, advance out of any monies for the time being in his hands any sums required for payment of expenses incurred by them in pursuance of this Act.

Saving of statutes applicable to rates leviable for expenses.

95. Where the local rate is a county rate or borough rate, or any other such rate as is mentioned in the second schedule to this Act, all the provisions of the statutes applicable to the making, levying, and collecting of a county rate, borough rate, or such other rate shall apply, notwithstanding that the whole of such rate, or any part thereof, is applicable to the payment of the expenditure of a local authority in pursuance of this Act in compensation for animals slaughtered, or in respect of principal of or interest on money borrowed in pursuance of this Act.

Error in statement not to vitiate precept, &c.

96. An error in the statement of the amount of expenses in any precept, warrant, contribution, order, or receipt issued or given under this Act shall not invalidate such precept, warrant, contribution, order, or receipt; but any person aggrieved by the error may appeal to the justices in petty sessions, and the justices may rectify the error, and award to the appellant compensation for any loss he may have sustained thereby, the amount of such compensation to be paid to the appellant, and to be deemed expenses of the local authority under this Act.

Recouping of charges on boroughs out of county rates.

97. Notwithstanding anything in this Act, the local authority of each borough situate within a county and assessed to the county rate thereof shall be recouped the proportionate amount contributed by the borough to the expenses incurred by the local authority of the county in pursuance of this Act (including expenditure in compensation for animals slaughtered, or in respect of principal of or interest on money borrowed in pursuance of this Act), so that the burden of those expenses shall be borne wholly by the county, and not as to any part thereof by any borough situate within the county.

Borrowing.

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Mortgage of rates in certain cases.

98. Where the rate levied or required for the purposes of this Act exceeds or would exceed sixpence in the pound, a local authority may, for the purposes of defraying any costs, charges, and expenses under this Act, borrow at interest on the credit of the local rate any sums of money necessary for defraying such costs, charges, and expenses; and for the purpose of securing the repayment of any sums of money so borrowed, together with such interest as aforesaid, the local authority may mortgage the local rate for any period not exceeding seven years.

Where the rate levied or required for the purposes of this Act exceeds or would exceed ninepence in the pound, the Commissioners of Her Majesty's Treasury may, on application from the local authority, extend the term to any term not exceeding fourteen years, and the local authority may mortgage the rate accordingly.

Provided that where the local authority borrow for any purpose of this Act on any security other than the local rate (whether together with the local rate, if any, or separately therefrom) the limitations in this section contained respecting the amount of rate and the term of years shall not operate.

The provisions of The Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, shall be incorporated with this section, the local authority being deemed to be the commissioners, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

The Public Works Loan Commissioners may, with the approval of the Commissioners of Her Majesty's Treasury, advance to a local authority, on the security of the local rate, without any further security, any sums of money to be applied for the purposes of this Act, and to be repaid, with interest, within any period as aforesaid.

Further power where expenses exceed one shilling in pound.

99. Where the estimated amount of the sum required to be levied for payment of the expenditure of a local authority in pursuance of this Act (including expenditure incurred in the payment of money borrowed or of interest thereon) exceeds the sum that would be raised by the levying of a rate of one shilling in the pound on the rateable value of the property assessed to the local rate, the local authority may borrow from the Public Works Loan Commissioners, and the Public Works Loan Commissioners may, out of the balance for the time being unapplied of any money by any Act already passed authorized to be issued for the purposes of loans under any Act repealed by this Act, or out of any other money for the time being authorized to be issued for the purpose of

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loans under this section, lend to them such sums as may be required, subject to the following conditions:

1. Every such loan shall be made with the sanction of the Commissioners of Her Majesty's Treasury:
2. Interest shall be at the rate of three and a quarter per centum per annum:
3. Repayment of the loan shall be made by such number of equal annual instalments, not exceeding thirty, as the Commissioners of Her Majesty's Treasury direct:
4. The Commissioners of Her Majesty's Treasury may, if they think fit, authorize the postponement, for a period not exceeding two years, of any payment of principal or interest becoming due within the first three years:
5. Repayment of the loan and interest shall be secured by a mortgage of the local rate, and it shall not be incumbent on the Public Works Loan Commissioners to require any other security:
6. The local authority shall have power to levy and shall levy rates requisite for the purpose of repaying the loan with interest:
7. The sanction of the Commissioners of Her Majesty's Treasury to the loan shall be conclusive evidence that it is authorized by this Act; and no objection shall be made by any ratepayer to the validity of any mortgage for the loan, or to the application of the proceeds of the local rate to the payment of the principal or interest of the loan:
8. The Commissioners of Her Majesty's Treasury may, by agreement with the local authority borrowing, commute into an equivalent annuity terminable at the time fixed for the liquidation of the annual instalments aforesaid, the payments secured by the mortgage or any portion of such payments.

Provision for existing loans.

100. Where a local authority have borrowed money on the security of a mortgage of the local rate, under any Act repealed by this Act, then (except as otherwise provided in this Act with respect to the county of Chester), notwithstanding any repeal in this Act, or any alteration made by this Act in the definition of a local authority or local rate, or any other thing in this Act contained, the local rate mortgaged shall continue to be the security for the money borrowed, as if this Act had not been passed; and in relation to the money so borrowed, the local authority which borrowed such money, and the local rate on which the same is charged, shall continue to be the local authority and the local rate under the Acts repealed by this Act, as if this Act had not

been passed; and all provisions of Part II. of The Cattle Diseases Prevention Act, 1866, relative to expenses, and all the provisions of The Cattle Diseases Prevention Amendment Act, 1866, and all other provisions of any Act repealed by this Act relative to expenses of local authorities, rating, remission of rates, and borrowing, and matters connected therewith respectively, shall, in relation to the money so borrowed, and to the rate charged therewith, continue to operate as if this Act had not been passed.

Provisions for Cheshire as to repayment of existing loan, &c.

101. With respect to the county of Chester the following provisions shall have effect:

(1.) As far as regards the expenditure of the local authority of the county of Chester in respect of principal of or interest on money borrowed in pursuance of any Act repealed by this Act, and any matter consequent on or relative to that expenditure (including the remission of rates), the foregoing provisions of this part of this Act shall not apply to that county;

(2.) That expenditure shall be defrayed out of the county rate for the county of Chester, or out of any money applicable under any Act of Parliament or otherwise for the public charges or uses of that county, or partly out of one and partly out of the other; such county rate to be assessed, levied, and collected in the manner prescribed by law for the assessment, levying, and collection of county rates, independently of this Act or of any Act repealed by this Act;

(3.) In lieu of any provision authorizing deduction by tenant from landlord of half of the local rate, any person who is not the owner of the premises in the county of Chester in respect of which he is rated to the poor rate may, in each year until the first day of November one thousand eight hundred and ninety-six, in which he duly pays his poor rate, deduct from the growing rent due to the owner of such premises a sum equal to one penny in the pound on the annual rateable value of such premises, and every owner shall allow such deduction accordingly; and the owner, for the purposes of this section, shall be the person defined as such in this part of this Act;

(4.) The local authority for the county of Chester shall entertain and decide on applications from ratepayers to whom, if this section had not been inserted in this Act, remission in respect of the local rate might have been granted, and may on such applications grant to the applicants, or any of them, such sum or sums of money (if any) out of the

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county rate as the local authority think reasonable, regard being had to the extent of loss in the cases of the several applicants;

(5.) The local authority of each borough situate within the county of Chester, and assessed to the county rate thereof, shall, by means of repayment out of the county rate, or by means of differential rates, or partly in the one way and partly in the other, be recouped the proportionate amount contributed by the borough to any money granted as aforesaid, so that the burden of the expenditure incurred by the local authority of the county in respect of such grants shall be borne wholly by the county, and not as to any part thereof by any borough situate within the county;

but nothing in this section shall prejudicially affect the mortgage security of the Public Works Loan Commissioners for money advanced to the local authority of the county of Chester under any Act repealed by this Act; and the local authority of that county shall from time to time levy such rates as are under this section applicable, and as are for the time being requisite (either wholly or in conjunction with such other money as in this section mentioned), for the purpose of repaying with interest the money advanced on such mortgage security according to the terms thereof.

Validity of rates under Act.

102. The existence of any order or precept for the making or collection under any Act repealed by this Act of any rate remaining uncollected wholly or in part at the passing of this Act shall not affect the validity of any rate made after the passing of this Act.

Part IX.—Offences and Legal Proceedings.

Penalty for disobedience to Act or Order.

103. If any person acts in contravention of or is guilty of any offence against this Act, or any order or regulation made by the Privy Council or a local authority in pursuance of this Act, he shall for every such offence (except as otherwise provided in this Act, and except where a less penalty is provided in any such order or regulation,) be liable to a penalty not exceeding twenty pounds.

Where any such offence is committed with respect to more than four animals a penalty not exceeding five pounds for each animal may be imposed instead of the penalty of twenty pounds.

Where any such offence is committed in relation to offal, dung, hay, straw, litter, or other thing, a further penalty not exceeding ten pounds may be imposed in respect of every half ton in weight of such offal or other thing after the first half ton.

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Penalties on use of expired licences, &c.

104. If any person does any of the following things he shall be deemed guilty of an offence against this Act:

(1.) If he does anything for which a licence is requisite under this Act, or any order of the Privy Council thereunder, without having obtained a licence:

(2.) If where such a licence is requisite, having obtained a licence in that behalf, he does the thing licensed after the licence has expired:

(3.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of such incompleteness or untruth, and that he could not with reasonable diligence have obtained such knowledge:

(4.) If, with intent to evade any provision of this Act or of any order of the Privy Council thereunder, he fabricates or alters, or offers or utters, knowing the same to be fabricated or altered, any licence, declaration, certificate, or instrument made or issued or purporting to be made or issued under or for any purpose of this Act or any such order:

(5.) If, for the purpose of obtaining any licence, certificate, or instrument under or for the purposes of any such provision, he makes a declaration false in any material particular, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(6.) If he obtains or endeavours to obtain any such licence, certificate, or instrument by means of any false pretence, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(7.) If he grants or issues any such licence, certificate, or instrument, being false in any material particular, unless he shows to the satisfaction of the justices before whom he is charged that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

And in any such case he shall be liable, on conviction, in the discretion of the justices, to be imprisoned for any term not exceeding

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three months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Punishment for obstructing inspectors, &c.

105. If any person obstructs or impedes an inspector or other officer acting in execution of this Act or of any order of the Privy Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can be conveniently taken before a justice, to be dealt with according to law.

Application of penalties.

106. Notwithstanding anything in any Act relating to the metropolitan police, or to municipal corporations, or in any other Act, one half of every penalty or forfeiture recovered under this Act shall be paid to the person who sues or proceeds for the same, and the other half shall be applied as if this section had not been enacted.

Appearance of companies, &c.

107. In proceedings before justices under this Act, any railway company or other body corporate may appear by any member of their board of directors or council, or by any officer authorized in writing under the hand of any director or member of the council of the company or body.

Appeal.

108. If any party feels aggrieved by the dismissal of his complaint by justices, or by any determination or adjudication of justices with respect to any penalty or forfeiture under this Act, he may appeal therefrom, subject to the conditions and regulations following:

1. The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the justices:
2. The appellant shall, within three days after the cause of appeal has arisen, give notice to the clerk of the petty sessional division for which the justices act whose decision is appealed from of his intention to appeal, and of the grounds thereof:
3. The appellant shall immediately after such notice enter into a recognizance, before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court:
4. The court may adjourn the appeal, and may make such order thereon as they think just:

But nothing in this section respecting appeals shall affect any enactment relative to appeals in cases of summary convictions or

adjudications in the city of London or the metropolitan police district. A.D. 1869.

Jurisdiction for trial of offences, &c.

109. For the purposes of proceedings under this Act, or any order of the Privy Council or order or regulation of a local authority thereunder, every offence against this Act or any such order or regulation shall be deemed to have been committed, and every cause of complaint under this Act or any such order or regulation shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Protection of persons in execution of Act.

Actions against persons executing Act not to be brought without notice, &c.

110. An action or proceeding shall not lie against any person acting or intending to act under the authority or in the execution or in pursuance of this Act for any alleged irregularity or trespass or other act or thing done or omitted by him under this Act, unless notice in writing (specifying the cause of the action or proceeding, and the name and residence of the intending plaintiff or prosecutor, and of his attorney or agent in the matter,) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within four months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within four months next after the doing of such damage has ceased; and any such action shall be laid and tried in the county or place where the cause of action arose, and not elsewhere.

Plea in action.

111. In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting or intending to act under the authority or in the execution or in pursuance of this Act, and may give all special matter in evidence.

Evidence in action.

112. On the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action not stated in his notice.

Tender of amends, &c.

113. The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action; and in case no tender has been made the defendant may, by leave of the court in which the action is brought, at any time pay into the court such sum of money as he

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thinks fit, whereupon such proceeding and order shall be had and made in and by the court as may be had and made on the payment of money into court in an ordinary action.

Costs of defendant.

114. If in any such action the plaintiff does not succeed in obtaining judgment, the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about the action as may be taxed and allowed by the proper officer, subject to review; and though a verdict is given for the plaintiff in the action, he shall not have costs against the defendant unless the judge before whom the trial is had certifies his approval of the action and verdict.

Costs, &c. of defence to actions, &c. under direction of local authority.

115. Where any such action or proceeding is defended under the direction or with the approval of the local authority, the costs, charges, and expenses incurred in and about the same by or on behalf of the defendant and payable by him, and any damages or other money recovered against or payable by him in or in consequence of such action or proceeding, shall be deemed expenses incurred by the local authority in pursuance of this Act, and shall be defrayed accordingly.

Part X.—Scotland.

Application of Part X. to Scotland.

116. The provisions of this part of this Act shall extend to Scotland only, and shall have effect in substitution for the provisions of the preceding parts of this Act, when so expressed or implied, and otherwise shall have effect in addition to the provisions thereof.

Local authority, &c.

117. For the purposes of this Act the respective districts, authorities, rate, and officers described in that behalf in the ninth schedule to this Act shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

118. The commissioners of supply in every county shall meet, and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in such county, valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners

valued in the valuation roll at fifty pounds and under one hundred pounds; and such meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply; and such advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting; and the meeting shall nominate from among such occupiers and owners and occupiers a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement, when occasion shall require; and in the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county. A.D. 1869.

Any such nomination and intimation made for the purposes of any Act repealed by this Act shall continue to have effect for the purposes of this Act.

Vacancies from time to time happening by death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes within the county as he directs by writing under his hand), for the time being, shall constitute the local authority; five shall be a quorum of the local authority.

As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the loca authority, to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

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Purchase under provisional order.

119. Part VII. of this Act shall have effect as if section ninety of The Public Health (Scotland) Act, 1867, were thereby applied, instead of section seventy-five of The Local Government Act, 1858, and in the said section ninety the local authority and local rate under this Act shall be substituted for the local authority and the assessment therein mentioned.

Mode of levying and recovering assessments.

120. The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, who shall pay over the same to the local authority.

The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

All such assessments shall be payable one half by the proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor; or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment; and for the purposes of the provisions of this Act relative to any balance of funds remaining over from any assessment, the words "local rate" shall in Scotland mean the poor rate.

All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render more effectual the "police in counties and burghs in Scotland," are hereby incorporated in this Act as far as the same are not inconsistent with the provisions of this Act.

Certificate of copy for evidence.

121. In the case of a county, a printed copy of an order or regulation of the local authority, purporting to be certified to be a true copy by the clerk of supply, shall be received in proof.

Jurisdiction under 27 & 28 Vict. c. 53.

122. The terms "justice" and "justices" shall include any magistrate having jurisdiction under The Summary Procedure Act, 1864.

Local authority may apply to procurator fiscal.

123. In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator fiscal of the county or burgh,

who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in the usual way. A.D. 1869.

124. All judicial powers given to justices and quarter sessions, or to magistrates in boroughs, by this Act, may also be exercised by the sheriff of the county or the sheriff substitute. Sheriff to have concurrent jurisdiction.

125. Notice of appeal and of the grounds thereof shall be given to the clerk of the peace of the county. Notice of appeal.

126. For the purposes of this Act the burgh of Maxwelltown shall be held to be a part of the stewartry of Kirkcudbright and not of the parliamentary burgh of Dumfries. Burgh of Maxwelltown.

THE FIRST SCHEDULE.

Acts repealed.

38 Geo. 3. c. 65.—An Act for preventing the depasturing of forests, commons, and open fields with sheep or lambs infected with the scab or mange in that part of Great Britain called England.

11 & 12 Vict. c. 105.—An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.

11 & 12 Vict. c. 107.—An Act to prevent, until the first day of September one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.

16 & 17 Vict. c. 62.—An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.

29 & 30 Vict. c. 2.—The Cattle Diseases Prevention Act, 1866.

29 & 30 Vict. c. 15.—An Act to amend the Act of the eleventh and twelfth years of Her present Majesty, chapter one hundred and seven, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.

29 & 30 Vict. c. 110.—The Cattle Diseases Prevention Amendment Act, 1866.

30 & 31 Vict. c. 125.—The Contagious Diseases (Animals) Act, 1867.

THE SECOND SCHEDULE.

Local authorities, &c. in England.

District of local authority.	Description of local authority of district set opposite name.	Local rate.	Clerk of local authority.
Counties except the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	Clerk of the peace.
The metropolis (subject to the provisions of this Act respecting the city of London and the liberties thereof).	The Metropolitan Board of Works.	Rate or fund applicable to the payment of the general expenses of the board.	The clerk of the Metropolitan Board of Works.
Boroughs - -	The mayor, aldermen, and burgesses acting by the council.	The borough fund or borough rate.	Town clerk.
	Where the borough is not subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, the commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	Clerk of the commissioners or other body.
District of local board of Oxford.	The local board -	Rate leviable by the local board.	Clerk of the local board.

THE THIRD SCHEDULE.

Regulations respecting Committees and Sub-Committees.

1. A committee formed by a local authority may consist wholly of members of the local authority, or partly thereof, and partly of such other persons being rated occupiers in the district and qualified in such other manner as the local authority determine.

2. A committee of a local authority and a sub-committee of an executive committee may elect a chairman of their meetings.

3. If no chairman is elected, or if the chairman elected is not present at the time appointed for the holding of a meeting, the members then present shall choose one of their number to be chairman of the meeting.

4. A committee or sub-committee may meet and adjourn as they think proper.

5. Every question at a meeting of a committee or sub-committee shall be determined by a majority of votes of the members present and voting on the question, and in case of an equal division of votes the chairman shall have a second or casting vote.

THE FOURTH SCHEDULE.

Regulations that may be applied to landing, movement, and disposal of Foreign Animals.

1. These regulations are to have effect with respect to those foreign animals to which they are from time to time applied by order of the Privy Council.

2. Those foreign animals are to be landed only at parts of ports defined by special orders of the Privy Council for the several ports as places where foreign animals may be landed.

3. They are to be landed in such manner, within such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

4. The owner, consignee, or other person landing them is either before landing them or within twelve hours after landing them, at his own expense, to mark them as follows :—in case of cattle, by clipping the hair off the end of the tail, and in such further manner (if any) as the Privy Council from time to time prescribe, and in case of other animals in such manner as the Privy Council from time to time prescribe.

5. They are not to be moved from the place of landing or lairs adjacent thereto, approved by the Privy Council, except as follows :

(*a.*) After the expiration of twelve hours from the time of landing or such other period as the Privy Council from time to time prescribe.

(*b.*) On a certificate from the veterinary inspector appointed in this behalf by the Commissioners of Customs certifying that they are free from contagious or infectious disease. A.D. 1869.

6. They are not to be moved alive out of the part of the port of landing from time to time defined in that behalf by the Privy Council.

7. Notwithstanding anything in these regulations, where a vessel comes into port having on board foreign animals maimed or injured on the voyage, the owner, consignee, or other person in charge thereof, or the master of the vessel, shall if directed by the veterinary inspector aforesaid, or may if he thinks fit, slaughter those animals or any of them immediately on their being landed; but the carcase, hide, skin, hair, wool, horn, hoof, or offal of any such animal or any part thereof is not to be moved from the place of landing, or some lair or slaughter-house adjacent thereto approved by the Privy Council, without a certificate from the veterinary inspector aforesaid certifying that it is not likely to introduce or spread contagious or infectious disease.

THE FIFTH SCHEDULE.

Maximum Tolls, Dues, and Payments in Metropolitan Market after opening of Foreign Cattle Market.

Sheep, per head	Five farthings.
Beasts, per head	Sixpence.
Calves, per head	Threepence.
Pigs, per head	Five farthings.

THE SIXTH SCHEDULE.

Rules with respect to infected Places.

Part I.—Cattle Plague.

1. The rules of this part of this schedule are to have effect with respect to infected places as regards cattle plague.

2. No animal is to be moved alive out of an infected place.

3. Any hide, skin, hair, wool, horn, hoof, or offal of any animal, or any part thereof, is not to be moved out of an infected place without a licence signed by an officer of the local authority appointed to issue licences in that behalf, certifying either that the thing moved has not formed part of an animal affected with cattle plague, or of an animal that has been in the same shed or stable, or in the same herd or flock, or in contact with an animal so affected, or that the thing moved has been disinfected.

4. The carcase of an animal, or a single portion of raw meat weighing more than twenty pounds, is not to be moved out of an infected place without a licence signed by an officer of the local authority appointed in that behalf,

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certifying that the carcase or meat moved is not the carcase or part of the carcase of an animal affected with cattle plague.

5. Any dung of animals, and any hay, straw, litter, or other thing commonly used for food of animals or otherwise for or about animals, is not to be moved out of an infected place without a licence signed by an officer of the local authority appointed in that behalf, certifying that the thing moved has not been in contact with or been used for or about any animal affected with cattle plague, or that it has been disinfected.

Part II.—Sheep-pox.

1. The rules of this part of this schedule are to have effect with respect to infected places as regards sheep-pox.

2. No sheep is to be moved alive out of an infected place.

3. Any skin, wool, horn, or hoof of any sheep, or any part thereof, is not to be moved out of an infected place without a licence signed by an officer appointed by the local authority to issue licences in that behalf certifying that the thing moved did not belong to any sheep forming part of a flock affected with sheep-pox, or to any sheep that has been on a farm or place in which that disease existed.

4. Sheds and places used by sheep affected with sheep pox are forthwith after being so used to be cleansed and disinfected.

THE SEVENTH SCHEDULE.

Pleuro-pneumonia Rules.

1. These rules are to have effect with respect to any field, stable, cow-shed, or other premises infected by pleuro-pneumonia.

2. Cattle affected with pleuro-pneumonia are not to be moved from such field, stable, cowshed, or other premises, or from any land or building contiguous thereto in the same occupation, except for immediate slaughter, and according to regulations to be from time to time made by the local authority for insuring such slaughter.

3. Other cattle are not to be moved from such field, stable, cowshed, or other premises, or from any land or building contiguous thereto in the same occupation, except for immediate slaughter, without a licence signed by an officer of the local authority appointed to issue licences in that behalf certifying that the cattle moved are not affected with pleuro-pneumonia, and have not been in the same shed or herd, or in contact with cattle so affected.

4. Sheds and places used by cattle affected with pleuro-pneumonia are forthwith after being so used to be cleansed and disinfected to the satisfaction of the local authority.

THE EIGHTH SCHEDULE.

Forms for Use by Inspector.

(1.)

Declaration of Disease.

The Contagious Diseases (Animals) Act, 1869.

I, *A.B.* of , the inspector appointed by , being the local authority for the [county] of , hereby declare that I have this day found cattle plague [*or* pleuro-pneumonia *or* sheep-pox] to exist in the following field, stable, cowshed, or other premises, (that is to say,) [*here describe the place where the disease is found*].

Dated this day of 18 .

(Signed) *A.B*

(2.)

Notice of Declaration to Occupiers.

The Contagious Diseases (Animals) Act, 1869.

To *C.D.* of

I, *A.B.* of , the inspector appointed by , being the local authority for the [county] of , hereby give you notice, as the occupier of the following field, stable, cowshed, or other premises, (that is to say,) [*here describe the place where the disease is found,*] that I have made a declaration, a copy whereof is indorsed on this notice [*copy of declaration as filled up and signed to be indorsed*], and that in consequence thereof * the field, stable, cowshed, or other premises aforesaid, with all lands and buildings contiguous thereto in your occupation, have become and are an infected place, and that the same will continue to be an infected place * until the determination and declaration relative thereto of the local authority, as provided for in section of the above-mentioned Act, [*or in case of pleuro-pneumonia omit the part between the asterisks, and insert* the pleuro-pneumonia rules of the above-mentioned Act will have effect in relation to the field, stable, cowshed, or other premises aforesaid].

Dated this day of 18 .

(Signed) *A.B.*

(3.)

Notice of Declaration to adjoining Occupiers.

The Contagious Diseases (Animals) Act, 1869.

To *E.F.* of

I, *A.B.* of , the inspector appointed by , being the local authority for the [county] of , hereby give you notice that I have made a declaration, a copy whereof is indorsed on this notice [*copy of declaration as filled up and signed to be indorsed*], and that in consequence thereof the field, stable, cowshed, or other premises therein described, with all lands and buildings contiguous thereto in the same occupation, have become and are an infected place, and the same will continue to be an infected place until the determination and declaration relative thereto of the local authority, as provided for in section of the above-mentioned Act. And I hereby require you, as an occupier of lands and buildings adjoining to such infected place, part [*or* the whole] whereof lies within one mile of the boundaries of the infected place, to take notice that in consequence of the declaration aforesaid the rules of the said Act with respect to infected places will, until such determination and declaration of the local authority as aforesaid, apply and have effect to and in respect of the lands and buildings of which you are occupier as if the same were actually within the limits of the infected place.

Dated this day of 18 .

(Signed) *A.B.*

THE NINTH SCHEDULE.

Local authorities, &c. in Scotland.

District of local authority.	Description of local authority of district set opposite name.	Local rate.	Clerk of local authority.
Counties, including any town or place which does not return or contribute to return a member to Parliament.	The persons appointed as provided in Part X. of this Act.	Rate appointed to be levied in Part X. of this Act.	Clerk of supply.
Burghs which return or contribute to return a member to Parliament.	The magistrates and town council.		Town clerk.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 71.

An Act to consolidate and amend the Law of Bankruptcy. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient to consolidate and amend the law relating to Bankruptcy:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary. *Preliminary.*

1. This Act may be cited as "The Bankruptcy Act, 1869." Short title.

2. This Act shall not, except in so far as is expressly provided, apply to Scotland or Ireland. Application of Act.

3. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

4. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say, Interpretation of certain terms in the Act:

"The Court" shall mean the court having jurisdiction in bankruptcy as by this Act provided: "Court:"

"The registrar" shall mean the registrar of "the Court" as above defined: "Registrar:"

"Prescribed" shall mean prescribed by rules of Court to be made as in this Act provided: "Prescribed:"

"Property" shall mean and include money, goods, things in action, land, and every description of property, whether real or personal; also, obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined: "Property:"

"Debt provable in bankruptcy" shall include any debt or liability by this Act made provable in bankruptcy: "Debt:"

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"Person:" "Trader."

"Person" shall include a body corporate:

"Trader" shall, for the purposes of this Act, mean the several persons in that behalf mentioned in the first schedule to this Act annexed.

Exclusion of companies and large partnerships.

5. A partnership, association, or company corporate, or registered under "The Companies Act, 1862," shall not be adjudged bankrupt under this Act.

Part I. *Adjudication.*

PART I.

Adjudication and Vesting of Property.

Adjudication.

Petition for adjudication in bankruptcy.

6. A single creditor, or two or more creditors if the debt due to such single creditor, or the aggregate amount of debts due to such several creditors, from any debtor, amount to a sum of not less than fifty pounds, may present a petition to the Court, praying that the debtor be adjudged a bankrupt, and alleging as the ground for such adjudication any one or more of the following acts or defaults, herein-after deemed to be and included under the expression "acts of bankruptcy:"

(1.) That the debtor has, in England or elsewhere, made a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally:

(2.) That the debtor has, in England or elsewhere, made a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof:

(3.) That the debtor has, with intent to defeat or delay his creditors, done any of the following things, namely, departed out of England, or being out of England remained out of England; or being a trader departed from his dwelling house, or otherwise absented himself; or begun to keep house; or suffered himself to be outlawed:

(4.) That the debtor has filed in the prescribed manner in the Court a declaration admitting his inability to pay his debts:

(5.) That execution issued against the debtor on any legal process for the purpose of obtaining payment of not less than fifty pounds has in the case of a trader been levied by seizure and sale of his goods:

(6.) That the creditor presenting the petition has served in the prescribed manner on the debtor a debtor's summons requiring the debtor to pay a sum due, of an amount of not less than fifty pounds, and the debtor being a trader has for the space of seven days, or not being a trader has

for the space of three weeks, succeeding the service of such summons, neglected to pay such sum, or to secure or compound for the same.

But no person shall be adjudged a bankrupt on any of the above grounds unless the act of bankruptcy on which the adjudication is grounded has occurred within six months before the presentation of the petition for adjudication; moreover, the debt of the petitioning creditor must be a liquidated sum due at law or in equity, and must not be a secured debt, unless the petitioner state in his petition that he will be ready to give up such security for the benefit of the creditors in the event of the debtor being adjudicated a bankrupt, or unless the petitioner is willing to give an estimate of the value of his security, in which latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated, but he shall, on an application being made by the trustee within the prescribed time after the date of adjudication, give up his security to such trustee for the benefit of the creditors upon payment of such estimated value.

Proceedings in relation to a debtor's summons.

7. A debtor's summons may be granted by the court on a creditor proving to its satisfaction that a debt sufficient to support a petition in bankruptcy is due to him from the person against whom the summons is sought, and that the creditor has failed to obtain payment of his debt, after using reasonable efforts to do so. The summons shall be in the prescribed form, resembling, as nearly as circumstances admit, a writ issued by one of Her Majesty's superior courts. It shall state that in the event of the debtor failing to pay the sum specified in the summons, or to compound for the same to the satisfaction of the creditor, a petition may be presented against him, praying that he may be adjudged a bankrupt. The summons shall have an endorsement thereon to the like effect, or such other prescribed endorsement as may be best calculated to indicate to the debtor the nature of the document served upon him, and the consequences of inattention to the requisitions therein made.

Any debtor served with a debtor's summons may apply to the court, in the prescribed manner and within the prescribed time, to dismiss such summons, on the ground that he is not indebted to the creditor serving such summons, or that he is not indebted to such amount as will justify such creditor in presenting a bankruptcy petition against him; and the court may dismiss the summons, with or without costs, if satisfied with the allegations made by the debtor, or it may, upon such security (if any) being given as the court may require for payment to the creditor of

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Part I.

Adjudication.

the debt alleged by him to be due, and the costs of establishing such debt, stay all proceedings on the summons for such time as will be required for the trial of the question relating to such debt: Provided that when the summons shall have issued from the London Court of Bankruptcy, such trial shall be had either before such Court or before any other Court of competent jurisdiction, and when the summons shall have issued from a county court, before such court in all cases in which it has now jurisdiction, and in all other cases before some competent tribunal.

Proceedings on petition.

8. A petition praying that a debtor may be adjudged a bankrupt, in this Act referred to as a bankruptcy petition, shall be served in the prescribed manner. At the hearing the Court shall require proof of the debt of the petitioning creditor, and of the trading, if necessary, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with such proof, shall adjudge the debtor to be bankrupt. The Court may adjourn the petition, either conditionally or unconditionally, for the procurement of further evidence, or for any other just cause, or may dismiss the petition, with or without costs, as the Court thinks just.

Proceedings if debt of petitioning creditor is contested.

9. Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such amount as would justify the petitioner in presenting a bankruptcy petition against him, the Court, upon such security (if any) being given as the Court may require, for payment to the petitioner of any debt which may be established against him in due course of law, and of the costs of establishing such debt, may stay all proceedings on the petition for such time as may be required for trial of the question relating to such debt, and such trial shall be had in manner herein-before provided with respect to disputed debts under debtors summons es.

Where proceedings are stayed the Court may, if by reason of the delay caused by such stay of proceedings or for any other cause it thinks just, adjudge the debtor a bankrupt on the petition of some other creditor, and shall thereupon dismiss, upon such terms as it thinks just, the petition proceedings in which have been stayed as aforesaid.

Advertisement of order of adjudication.

10. A copy of an order of the Court adjudging the debtor to be bankrupt shall be published in the London Gazette, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this Act, and the production of a copy of the Gazette containing such order as aforesaid shall be conclusive

evidence in all legal proceedings of the debtor having been duly adjudged a bankrupt, and of the date of the adjudication.

Definition of commencement of bankruptcy.

11. The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the act of bankruptcy being completed on which the order is made adjudging him to be bankrupt; or if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to and to commence at the time of the first of the acts of bankruptcy that may be proved to have been committed by the bankrupt within twelve months next preceding the order of adjudication; but the bankruptcy shall not relate to any prior act of bankruptcy, unless it be that at the time of committing such prior act the bankrupt was indebted to some creditor or creditors in a sum or sums sufficient to support a petition in bankruptcy, and unless such debt or debts are still remaining due at the time of the adjudication.

Creditors bound by bankruptcy proceedings.

12. Where a debtor shall be adjudicated a bankrupt, no creditor to whom the bankrupt is indebted in respect of any debt provable in the bankruptcy shall have any remedy against the property or person of the bankrupt in respect of such debt except in manner directed by this Act. But this section shall not affect the power of any creditor holding a security upon the property of the bankrupt to realize or otherwise deal with such security in the same manner as he would have been entitled to realize or deal with the same if this section had not been passed.

Power of Court, after presentation of petition, to restrain suits, &c. and appoint receiver.

13. The Court may, at any time after the presentation of a bankruptcy petition against the debtor, restrain further proceedings in any action, suit, execution, or other legal process against the debtor in respect of any debt provable in bankruptcy, or it may allow such proceedings, whether in progress at the commencement of the bankruptcy or commenced during its continuance, to proceed upon such terms as the Court may think just. The Court may also, at any time after the presentation of such petition, appoint a receiver or manager of the property or business of the debtor against whom the petition is presented, or of any part thereof, and may direct immediate possession to be taken of such property or business, or any part thereof.

Appointment of Trustee.

Appointment of Trustee.

Meeting of creditors for appointment of persons administer bankrupt's property.

14. When an order has been made adjudging a debtor bankrupt, herein referred to as an order of adjudication, the property of the bankrupt shall become divisible amongst his creditors in proportion to the debts proved by them in the bankruptcy; and for

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Appointment of Trustee.

the purpose of effecting such division the Court shall, as soon as may be, summon a general meeting of his creditors, and the creditors assembled at such meeting shall and may do as follows:

1. They shall, by resolution, appoint some fit person, whether a creditor or not, to fill the office of trustee of the property of the bankrupt, at such remuneration as they may from time to time determine, if any; or they may resolve to leave his appointment to the committee of inspection herein-after mentioned:
2. They shall, when they appoint a trustee, by resolution declare what security is to be given, and to whom, by the person so appointed, before he enters on the office of trustee:
3. They shall, by resolution, appoint some other fit persons, not exceeding five in number, and being creditors qualified to vote at such first meeting of creditors as is in this Act mentioned, or authorized in the prescribed form by creditors so qualified to vote, to form a committee of inspection for the purpose of superintending the administration by the trustee of the bankrupt's property:
4. They may, by resolution, give directions as to the manner in which the property is to be administered by the trustee, and it shall be the duty of the trustee to conform to such directions, unless the Court for some just cause otherwise orders.

Descriptions of bankrupt's property divisible amongst creditors.

15. The property of the bankrupt divisible amongst his creditors, and in this Act referred to as the property of the bankrupt, shall not comprise the following particulars:

(1.) Property held by the bankrupt on trust for any other person:

(2.) The tools (if any) of his trade, and the necessary wearing apparel and bedding of himself, his wife and children, to a value, inclusive of tools and apparel and bedding, not exceeding twenty pounds in the whole:

But it shall comprise the following particulars:

(3.) All such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy, or may be acquired by or devolve on him during its continuance:

(4.) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or during its continuance, except the right of nomination to a vacant ecclesiastical benefice:

(5.) All goods and chattels being, at the commencement of the bankruptcy, in the possession, order, or disposition of the

bankrupt, being a trader, by the consent and permission of the true owner, of which goods and chattels the bankrupt is reputed owner, or of which he has taken upon himself the sale or disposition as owner; provided that things in action, other than debts due to him in the course of his trade or business, shall not be deemed goods and chattels within the meaning of this clause.

Regulations as to first meeting of creditors.

16. The general meeting of creditors to be summoned as aforesaid by the Court, and in this Act referred to as the first meeting of creditors, shall be held in the prescribed manner and subject to the prescribed regulations as to the quorum, adjournment of meeting, and all other matters relating to the conduct of the meeting or the proceedings thereat.

Provided that,—

1. The meeting shall be presided over by the registrar, or, in the event of his being unable to attend through illness or any unavoidable cause, by such chairman as the meeting may elect:
2. A person shall not be entitled to vote as a creditor unless at or previously to the meeting he has in the prescribed manner proved a debt provable under the bankruptcy to be due to him:
3. A creditor shall not vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained:
4. A secured creditor shall, for the purpose of voting, be deemed to be a creditor only in respect of the balance (if any) due to him after deducting the value of his security; and the amount of such balance shall, until the security be realized, be determined in the prescribed manner. He may, however, at or previously to the meeting of creditors, give up the security to the trustee, and thereupon he shall rank as a creditor in respect of the whole sum due to him:
5. A "secured creditor" shall in this Act mean any creditor holding any mortgage, charge, or lien on the bankrupt's estate, or any part thereof, as security for a debt due to him:
6. Votes may be given either personally or by proxy:
7. An ordinary resolution shall be decided by a majority in value of the creditors present personally or by proxy at the meeting and voting on such resolution:
8. A special resolution shall be decided by a majority in number, and three fourths in value, of the creditors present personally or by proxy at the meeting and voting on such resolution.

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Part I.

Appointment of Trustee.

Devolution of property on trustee.

17. Until a trustee is appointed the registrar shall be the trustee for the purposes of this Act, and immediately upon the order of adjudication being made the property of the bankrupt shall vest in the registrar. On the appointment of a trustee the property shall forthwith pass to and vest in the trustee appointed.

The expression "trustee," when used in this Act, shall include the person for the time being filling the office of trustee, whether he be the registrar or not; but when the registrar holds the office of trustee he shall, unless the Court otherwise orders, in the administration of the property of the bankrupt, apply to the Court for directions as to the mode of administering such property, and shall not take possession thereof unless directed by the Court.

Evidence of appointment of trustee.

18. The appointment of a trustee shall be reported to the Court, and the Court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the bankruptcy named in the certificate, and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate. When the registrar holds the office of trustee, or when the trustee is changed, a like certificate of the Court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

Part II.

General Provisions.

PART II.

Administration of Property.

General Provisions affecting Administration of Property.

Conduct of bankrupt.

19. The bankrupt shall, to the utmost of his power, aid in the realization of his property, and the distribution of the proceeds amongst his creditors. He shall produce a statement of his affairs to the first meeting of creditors, and shall be publicly examined thereon on a day to be named by the Court, and subject to such adjourned public examination as the Court may direct. He shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may

be reasonably required by the trustee, or may be prescribed by rules of Court, or be directed by the Court by any special order or orders made in reference to any particular bankruptcy, or made on the occasion of any special application by the trustee or any creditor.

If the bankrupt wilfully fail to perform the duties imposed on him by this section, or if he fail to deliver up possession to the trustee of any part of his property, which is divisible amongst his creditors under this Act, and which may for the time being be in the possession or under the control of such bankrupt, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

Conduct of trustee, and appeal to Court against trustee.

20. The trustee shall, in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors, have regard to any directions that may be given by resolution of the creditors at any general meeting, or by the committee of inspection, and any directions so given by the creditors at any general meeting shall be deemed to override any directions given by the committee of inspection; the trustee shall call a meeting of the committeee of inspection once at least every three months, when they shall audit his accounts, and determine whether any or what dividend is to be paid; he may also call special meetings of the said committee as he thinks necessary.

Subject to the provisions of this Act, and to such directions as aforesaid, the trustee shall exercise his own discretion in the management of the estate, and its distribution amongst the creditors. The trustee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes; he may also apply to the Court, in manner prescribed, for directions in relation to any particular matter arising under the bankruptcy.

The bankrupt, or any creditor, debtor, or other person aggrieved by any act of the trustee, may apply to the Court, and the Court may confirm, reverse, or modify the act complained of, and make such order in the premises as it thinks just. The Court may from time to time, during the continuance of a bankruptcy, summon general meetings of the creditors for the purpose of ascertaining their wishes, and may, if the Court thinks fit, direct the registrar to preside at such meetings.

The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position in all respects as if he were a receiver of such

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property appointed by the Court of Chancery, and the Court may, on his application, enforce such acquisition or retention of property accordingly.

Regulations as to general meetings of creditors subsequent to first meeting.

21. The provisions of this Act with respect to the first general meeting of creditors shall apply to any subsequent general meeting of creditors in a bankruptcy, with this exception, that subsequent meetings of creditors may be summoned by the trustee, or by a member of the committee of inspection, and that such meetings may, unless otherwise directed by the Court in the case of meetings summoned by the Court, be presided over by any person chosen by the creditors assembled at such meeting, and that any creditor whose debt has been proved, or the value of whose debt has been ascertained at or subsequently to such first meeting, shall be allowed to be present and to vote thereat.

Dealings with Property.

Dealings with Bankrupt's Property.

Possession of property by trustee.

22. Where any portion of the property of the bankrupt consists of stock, shares in ships, shares, or any other property transferable in the books of any company, office, or person, the right to transfer such property shall be absolutely vested in the trustee to the same extent as the bankrupt might have exercised the same if he had not become bankrupt. Where any portion of such estate consists of copyhold or customary property, or any like property passing by surrender and admittance or in any similar manner, the trustee shall not be compellable to be admitted to such property, but may deal with the same in the same manner as if such property had been capable of being and had been duly surrendered or otherwise conveyed to such uses as the trustee may appoint; and any appointee of the trustee shall be admitted or otherwise invested with the property accordingly.

Where any portion of the property of the bankrupt consists of things in action, any action, suit, or other proceeding for the recovery of such things instituted by the trustee shall be instituted in his official name, as in this Act provided; and such things shall, for the purpose of such action, suit, or other proceeding, be deemed to be assignable in law, and to have been duly assigned to the trustee in his official capacity.

The trustee shall, as soon as may be, take possession of the deeds, books, and documents of the bankrupt, and all other property capable of manual delivery. The trustee shall keep, in such manner as rules of Court shall direct, proper books, in which he shall from time to time make or cause to be made entries or minutes of proceedings at meetings, and of such other matters as rules of Court

shall direct, and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent inspect such books.

Disclaimer as to onerous property.

23. When any property of the bankrupt acquired by the trustee under this Act consists of land of any tenure burdened with onerous covenants, of unmarketable shares in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act, or to the payment of any sum of money, the trustee, notwithstanding he has endeavoured to sell, or has taken possession of such property or exercised any act of ownership in relation thereto, may, by writing under his hand, disclaim such property, and upon the execution of such disclaimer the property disclaimed shall, if the same is a contract, be deemed to be determined from the date of the order of adjudication, and if the same is a lease be deemed to have been surrendered on the same date, and if the same be shares in any company be deemed to be forfeited from that date, and if any other species of property it shall revert to the person entitled on the determination of the estate or interest of the bankrupt, but if there shall be no person in existence so entitled, then in no case shall any estate or interest therein remain in the bankrupt. Any person interested in any disclaimed property may apply to the Court, and the Court may, upon such application, order possession of the disclaimed property to be delivered up to him, or make such other order as to the possession thereof as may be just.

Any person injured by the operation of this section shall be deemed a creditor of the bankrupt to the extent of such injury, and may accordingly prove the same as a debt under the bankruptcy.

Limitation of time for disclaimer.

24. The trustee shall not be entitled to disclaim any property in pursuance of this Act in cases where an application in writing has been made to him by any person interested in such property, requiring such trustee to decide whether he will disclaim or not, and the trustee has for a period of not less than twenty-eight days after the receipt of such application or such further time as may be allowed by the Court declined or neglected to give notice whether he disclaims the same or not.

Power of trustee to deal with property.

25. Subject to the provisions of this Act, the trustee shall have power to do the following things:

(1.) To receive and decide upon proof of debts in the prescribed manner, and for such purpose to administer oaths:

(2.) To carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same:

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(3.) To bring or defend any action, suit, or other legal proceeding relating to the property of the bankrupt:

(4.) To deal with any property to which the bankrupt is beneficially entitled as tenant in tail in the same manner as the bankrupt might have dealt with the same; and the sections fifty-six to seventy-three (both inclusive) of the Act of the session of the third and fourth years of the reign of King William the Fourth (chapter seventy-four), "for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance," shall extend and apply to proceedings in bankruptcy under this Act as if those sections were here re-enacted and made applicable in terms to such proceedings:

(5.) To exercise any powers the capacity to exercise which is vested in him under this Act, and to execute all powers of attorney, deeds, and other instruments expedient or necessary for the purpose of carrying into effect the provisions of this Act:

(6.) To sell all the property of the bankrupt (including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt) by public auction or private contract, with power, if he thinks fit, to transfer the whole thereof to any person or company, or to sell the same in parcels:

(7.) To give receipts for any money received by him, which receipt shall effectually discharge the person paying such monies from all responsibility in respect of the application thereof:

(8.) To prove, rank, claim, and draw a dividend in the matter of the bankruptcy or sequestration of any debtor of the bankrupt.

Power to allow bankrupt to manage property.

26. The trustee may appoint the bankrupt himself to superintend the management of the property or of any part thereof, or to carry on the trade of the bankrupt (if any) for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the creditors direct.

Power of trustee to compromise, &c.

27. The trustee may, with the sanction of the committee of inspection, do all or any of the following things:

(1.) Mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts:

(2.) Refer any dispute to arbitration, compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any debtor or person who may have incurred any liability to the bankrupt, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon:

(3.) Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors in respect of any debts provable under the bankruptcy:

(4.) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt, made or capable of being made on the trustee by any person or by the trustee on any person:

(5.) To divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot advantageously be realized by sale.

The sanction given for the purposes of this section may be a general permission to do all or any of the above-mentioned things, or a permission to do all or any of them in any specified case or cases.

Power of trustee to accept composition or general scheme of arrangement.

28. The trustee may, with the sanction of a special resolution of the creditors assembled at any meeting of which notice has been given specifying the object of such meeting, accept any composition offered by the bankrupt, or assent to any general scheme of settlement of the affairs of the bankrupt upon such terms as may be thought expedient, and with or without a condition that the order of adjudication is to be annulled, subject nevertheless to the approval of the Court, to be testified by the judge of the Court signing the instrument containing the terms of such composition or scheme, or embodying such terms in an order of the Court.

Where the annulling the order of adjudication is made a condition of any composition with the bankrupt or of any general scheme for the liquidation of his affairs, the Court, if it approves of such composition or general scheme, shall annul the adjudication on an application made by or on behalf of any person interested, and the adjudication shall be annulled from and after the date of the order annulling the same.

The provisions of any composition or general scheme made in pursuance of this Act may be enforced by the Court on a motion

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made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be a contempt of Court. The approval of the Court shall be conclusive as to the validity of any such composition or scheme, and it shall be binding on all the creditors so far as relates to any debts due to them and provable under the bankruptcy.

Trustee, if a solicitor, may be paid for services.

29. A trustee shall not, without the consent of the committee of inspection, employ a solicitor or other agent, but where the trustee is himself a solicitor he may contract to be paid a certain sum by way of per-centage or otherwise as a remuneration for his services as trustee, including all professional services, and any such contract shall, notwithstanding any law to the contrary, be lawful.

Trustees to pay monies into bank.

30. The trustee shall pay all sums from time to time received by him into such bank as the majority of the creditors in number and value at any general meeting shall appoint, and failing such appointment into the Bank of England; and if he at any time keep in his hands any sum exceeding fifty pounds for more than ten days he shall be subject to the following liabilities; that is to say,

(1.) He shall pay interest at the rate of twenty pounds per centum per annum on the excess of such sum above fifty pounds as he may retain in his hands:

(2.) Unless he can prove to the satisfaction of the Court that his reason for retaining the money was sufficient, he shall, on the application of any creditor, be dismissed from his office by the Court, and shall have no claim for remuneration, and be liable to any expenses to which the creditors may be put by or in consequence of his dismissal.

Debts and Assets.

Payment of Debts and Distribution of Assets.

Description of debts provable in bankruptcy.

31. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or promise shall not be proveable in bankruptcy, and no person having notice of any act of bankruptcy available for adjudication against the bankrupt shall prove for any debt or liability contracted by the bankrupt subsequently to the date of his so having notice.

Save as aforesaid, all debts and liabilities, present or future, certain or contingent, to which the bankrupt is subject at the date of the order of adjudication, or to which he may become subject during the continuance of the bankruptcy by reason of any obligation incurred previously to the date of the order of adjudication, shall be deemed to be debts provable in bankruptcy, and may be proved in the prescribed manner before the trustee in the bankruptcy.

An estimate shall be made according to the rules of the Court for the time being in force, so far as the same may be applicable, and where they are not applicable at the discretion of the trustee, of the value of any debt or liability provable as aforesaid, which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

Any person aggrieved by any estimate made by the trustee as aforesaid may appeal to the Court, and the Court may, if it think the value of the debt or liability incapable of being fairly estimated, make an order to that effect, and upon such order being made such debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in bankruptcy, but if the Court think that the value of the debt or liability is capable of being fairly estimated it may direct such value to be assessed with the consent of all the parties interested before the Court itself without the intervention of a jury, or if such parties do not consent by a jury, either before the Court itself or some other competent Court, and may give all necessary directions for such purpose, and the amount of such value when assessed shall be provable as a debt under the bankruptcy.

"Liability" shall for the purposes of this Act include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether such breach does or does not occur, or is or is not likely to occur or capable of occurring before the close of the bankruptcy, and generally it shall include any express or implied engagement, agreement, or undertaking, to pay, or capable of resulting in the payment of money or money's worth, whether such payment be as respects amount fixed or unliquidated; as respects time present or future, certain or dependent on any one contingency or on two or more contingencies; as to mode of valuation capable of being ascertained by fixed rules, or assessable only by a jury, or as matter of opinion.

Preferential debts.

32. The debts herein-after mentioned shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

(1.) All parochial or other local rates due from him at the date of the order of adjudication, and having become due and payable within twelve months next before such time, all assessed taxes, land tax, and property or income tax assessed on him up to the fifth day of April next before

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Debts and Assets.

the date of the order of adjudication, and not exceeding in the whole one year's assessment;

(2.) All wages or salary of any clerk or servant in the employment of the bankrupt at the date of the order of adjudication, not exceeding four months wages or salary, and not exceeding fifty pounds; all wages of any labourer or workman in the employment of the bankrupt at the date of the order of adjudication, and not exceeding two months wages:

Save as aforesaid, all debts provable under the bankruptcy shall be paid pari passu.

Preferential claim in case of apprenticeship.

33. Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an articled clerk to the bankrupt, the order of adjudication shall, if either the bankrupt or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the Court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Where it appears expedient to a trustee he may, on the application of any apprentice or articled clerk to the bankrupt, or any person acting on behalf of such apprentice or articled clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

Power for landlord to distrain for rent.

34. The landlord or other person to whom any rent is due from the bankrupt may at any time, either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for one year's rent accrued due prior to the date of the order of adjudication, but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the overplus due for which the distress may not have been available.

Proof in case of rent and periodical payment.

35. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of such periods, the person entitled to such rent or payment may prove for a proportionate part thereof up to the day of the adjudication as if such rent or payment grew due from day to day.

Interest on debts.

36. Interest on any debt provable in bankruptcy may be allowed by the trustee under the same circumstances in which interest would have been allowable by a jury if an action had been brought for such debt.

Proof in respect of distinct contracts.

37. If any bankrupt is at the date of the order of adjudication liable in respect of distinct contracts as member of two or more distinct firms, or as a sole contractor, and also as member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof in respect of such contracts, against the properties respectively liable upon such contracts.

Allowance to bankrupt for maintenance or service.

38. The trustee, with the consent of the creditors, testified by a resolution passed in general meeting, may from time to time, during the continuance of the bankruptcy, make such allowance as may be approved by the creditors to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services if he is engaged in winding up his estate.

Set-off.

39. Where there have been mutual credits, mutual debts, or other mutual dealings between the bankrupt and any other person proving or claiming to prove a debt under his bankruptcy, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of such account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a bankrupt in any case where he had at the time of giving credit to the bankrupt notice of an act of bankruptcy committed by such bankrupt and available against him for adjudication.

Provision as to secured creditor.

40. A creditor holding a specific security on the property of the bankrupt, or on any part thereof, may, on giving up his security, prove for his whole debt.

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He shall also be entitled to a dividend in respect of the balance due to him after realizing or giving credit for the value of his security, in manner and at the time prescribed.

A creditor holding such security as aforesaid and not complying with the foregoing conditions shall be excluded from all share in any dividend.

Dividends.

Dividends.

Distribution of dividends.

41. The trustee shall from time to time, when the committee of inspection determines, declare a dividend amongst the creditors who have proved to his satisfaction debts provable in bankruptcy, and shall distribute the same accordingly; and in the event of his not declaring a dividend for the space of six months, he shall summon a meeting of the creditors, and explain to them his reasons for not declaring the same.

Provision for creditors residing at a distance, &c.

42. In the calculation and distribution of a dividend it shall be obligatory on the trustee to make provision for debts provable in bankruptcy appearing from the bankrupt's statements, or otherwise, to be due to persons resident in places so distant from the place where the trustee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs, or to establish them if disputed, and also for debts provable in bankruptcy, the subject of claims not yet determined.

Right of creditor who has not proved debt before declaration of a dividend.

43. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any monies for the time being in the hand of the trustee any dividend or dividends he may have failed to receive before such monies are made applicable to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Final dividend.

44. When the trustee has converted into money all the property of the bankrupt, or so much thereof as can, in the joint opinion of himself and of the committee of inspection, be realized without needlessly protracting the bankruptcy, he shall declare a final dividend, and give notice of the time at which it will be distributed.

Bankrupt entitled to surplus.

45. The bankrupt shall be entitled to any surplus remaining after payment of his creditors, and of the costs, charges, and expenses of the bankruptcy.

No action for dividend.

46. No action or suit for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend the Court may, if it

thinks fit, order the trustee to pay the same, and also to pay out of his own monies interest thereon for the time that it is withheld, and the costs of the application.

Close of Bankruptcy.

Close of Bankruptcy.

Close of bankruptcy.

47. When the whole property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realized without needlessly protracting the bankruptcy, or a composition or arrangement has been completed, the trustee shall make a report accordingly to the Court, and the Court, if satisfied that the whole of the property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the bankruptcy, or that a composition or arrangement has been completed, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order.

A copy of the order closing the bankruptcy may be published in the London Gazette, and the production of a copy of such Gazette containing a copy of the order shall be conclusive evidence of the order having been made and of the date and contents thereof.

Discharge of Bankrupt.

Discharge of Bankrupt.

Order of discharge.

48. When a bankruptcy is closed, or at any time during its continuance, with the assent of the creditors testified by a special resolution, the bankrupt may apply to the Court for an order of discharge; but such discharge shall not be granted unless it is proved to the Court that one of the following conditions has been fulfilled, that is to say, either that a dividend of not less than ten shillings in the pound has been paid out of his property, or might have been paid except through the negligence or fraud of the trustee, or that a special resolution of his creditors has been passed to the effect that his bankruptcy or the failure to pay ten shillings in the pound has, in their opinion, arisen from circumstances for which the bankrupt cannot justly be held responsible, and that they desire that an order of discharge should be granted to him; and the Court may suspend for such time as it deems to be just, or withhold altogether, the order of discharge in the circumstances following; namely, if it appears to the Court on the representation of the creditors made by special resolution, of the truth of which representation the Court is satisfied, or by other sufficient evidence, that the bankrupt has made default in giving up to his creditors the property which he is required by this Act to give up; or that

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Discharge of Bankrupt.

a prosecution has been commenced against him in pursuance of the provisions relating to the punishment of fraudulent debtors, contained in the "Debtors Act, 1869," in respect of any offence alleged to have been committed by him against the said Act.

Effect of order of discharge.

49. An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or breach of trust, nor from any debt or liability whereof he has obtained forbearance by any fraud, but it shall release the bankrupt from all other debts provable under the bankruptcy, with the exception of—

(1.) Debts due to the Crown:

(2.) Debts with which the bankrupt stands charged at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence:

And he shall not be discharged from such excepted debts unless the Commissioners of the Treasury certify in writing their consent to his being discharged therefrom.

An order of discharge shall be sufficient evidence of the bankruptcy, and of the validity of the proceedings thereon, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this Act and the special matter in evidence.

Exception of joint debtors.

50. The order of discharge shall not release any person who, at the date of the order of adjudication, was a partner with the bankrupt, or was jointly bound or had made any joint contract with him.

Release of Trustee.

Release of Trustee.

Release of trustee.

51. When the bankruptcy is closed the trustee shall call a meeting of the creditors to consider an application to be made to the Court for his release. At the meeting the trustee shall lay before the assembled creditors an account showing the manner in which the bankruptcy has been conducted, with a list of the unclaimed dividends, if any, and of the property, if any, outstanding, and shall inform the meeting that he proposes to apply to the Court for a release.

The creditors assembled at the meeting may express their opinion as to the conduct of the trustee, and they, or any of them, may appear before the Court and oppose the release of the trustee.

The Court, after hearing what, if anything, can be urged against the release of the trustee, shall grant or withhold the release accordingly, and if it withhold the release shall make such order as it thinks just, charging the trustee with the consequences of any act or default he may have done or made contrary to his duty, and shall suspend his release until such charging order has been complied with, and the Court thinks just to grant the release of the trustee.

Duty of trustee as to unclaimed dividends and outstanding property.

52. Unclaimed dividends, and any other monies arising from the property of the bankrupt, remaining under the control of the trustee at the close of the bankruptcy of any bankrupt, or accruing thereafter, shall be accounted and paid over to such account as may be directed by the rules of Court to be made with the sanction of the Treasury; and any parties entitled thereto may claim the same in manner directed by such rules. The trustee shall also deliver a list of any outstanding property of the bankrupt to the prescribed persons, and the same shall, when practicable, be got in and applied for the benefit of the creditors in manner prescribed.

Effect of release of trustee.

53. The order of the Court releasing the trustee of a bankruptcy shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt, or otherwise in relation to his conduct as trustee of such bankrupt; but such order may be revoked by the Court on proof that it was obtained by fraud.

Status of undischarged Bankrupt.

Status of undischarged Bankrupt.

Status of undischarged bankrupt.

54. Where a person who has been made bankrupt has not obtained his discharge, then, from and after the close of his bankruptcy, the following consequences shall ensue:

(1.) No portion of a debt provable under the bankruptcy shall be enforced against the property of the person so made bankrupt until the expiration of three years from the close of the bankruptcy; and during that time, if he pay to his creditors such additional sum as will, with the dividend paid out of his property during the bankruptcy, make up ten shillings in the pound, he shall be entitled to an order of discharge in the same manner as if a dividend of ten shillings in the pound had originally been paid out of his property:

(2.) At the expiration of a period of three years from the close of the bankruptcy, if the debtor made bankrupt has not obtained an order of discharge, any balance remaining unpaid in respect of any debt proved in such bankruptcy

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Status of undischarged Bankrupt.

(but without interest in the meantime) shall be deemed to be a subsisting debt in the nature of a judgment debt, and, subject to the rights of any persons who have become creditors of the debtor since the close of his bankruptcy, may be enforced against any property of the debtor, with the sanction of the Court which adjudicated such debtor a bankrupt, or of the Court having jurisdiction in bankruptcy in the place where the property is situated, but to the extent only, and at the time and in manner directed by such Court, and after giving such notice and doing such acts as may be prescribed in that behalf.

Audit.

Audit.

Appointment of comptroller.

55. The trustee having had his quarterly statement of accounts audited by the committee of inspection, shall, within the prescribed time, forward the certified statement in the prescribed form to an officer to be called the comptroller in bankruptcy, and if he fail to do so he shall be deemed guilty of a contempt of court to be punishable accordingly. The first and any subsequent comptroller shall be appointed by the Lord Chancellor, and hold office during his pleasure, and shall be paid such salary as the Lord Chancellor may, with the sanction of the Treasury, direct. The comptroller shall be provided with such office in London, and with such officers, clerks, and servants, as may be directed by the Lord Chancellor, with the approval of the Treasury. The officers, clerks, and servants in the office of the comptroller shall be appointed and dismissible by the comptroller, and there shall be allowed and paid to him such sum as the Treasury may from time to time direct for the expenses of his office, and of such clerks and other persons as may be deemed necessary by the Treasury.

Return of accounts to comptroller.

56. Every trustee of a bankrupt shall from time to time, as may be prescribed, and not less than once in every year during the bankruptcy, transmit to the comptroller a statement showing the proceedings in such bankruptcy up to the date of the statement containing the prescribed particulars, and made out in the prescribed form; and any trustee failing to transmit accounts in compliance with this section shall be deemed guilty of a contempt of court, and be punishable accordingly.

Duty of comptroller.

57. The comptroller shall examine the statements transmitted to him, and shall call the trustee to account for any misfeasance, neglect, or omission which may appear on such statements, and may require the trustee to make good any loss the estate of the

bankrupt may have sustained by such misfeasance, neglect, or omission. If the trustee fail to comply with such requisition of the comptroller, the comptroller may report the same to the Court; and the Court, after hearing the explanation, if any, of the trustee, shall make such order in the premises as it thinks just.

Powers of comptroller.

58. The comptroller may at any time require any trustee to answer any inquiry made by him in relation to any bankruptcy in which such trustee is engaged, and may, if he think fit, apply to the Court to examine on oath such trustee or any other person concerning such bankruptcy; he may also direct a local investigation to be made of the books and vouchers of the trustees.

PART III.

Constitution and Powers of Court.

Description of Court.

Court to consist of London Court and County Courts.

59. From and after the commencement of this Act the following provisions shall take effect with respect to the Courts having jurisdiction in bankruptcy, and their officers; that is to say,

If the person sought to be adjudged a bankrupt reside or carry on business within the London Bankruptcy District as herein-after defined, or be not resident in England, then "the Court" shall mean, for the purposes of this Act, the Court of Bankruptcy in London as constituted by this Act, and herein-after referred to as the London Bankruptcy Court:

If the person sought to be adjudged a bankrupt, being resident in England, do not reside or carry on business within the London Bankruptcy District, then "the Court" shall, subject to the provisions herein-after contained for removing the proceedings, mean the county court of the district in which such person resides or carries on business, herein-after referred to as the local Bankruptcy Court.

Definition of the London Bankruptcy District.

60. The London Bankruptcy District shall, for the purposes of this Act, comprise the following places; that is to say, the city of London and the liberties thereof, and all such parts of the metropolis and other places as are situated within the district of any county court described as a metropolitan county court in the list contained in the second schedule hereto.

Constitution of the London Bankruptcy Court.

61. The London Bankruptcy Court shall from and after the commencement of this Act consist of a judge, to be called the Chief Judge in Bankruptcy, and, subject to the provisions of this

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Description of Court.

Act with respect to the officers of the existing London Bankruptcy Court, of such number of registrars not exceeding four, clerks, ushers, and other subordinate officers, as may be determined by the Chief Judge with the sanction of the Treasury.

Subject to the provisions of this Act with respect to the appointment of the first Chief Judge, the office of Chief Judge in Bankruptcy shall be filled by such one of the judges of Her Majesty's Superior Courts of Common Law or of Equity as may, with his assent, be assigned to hold such office by the Lord Chancellor; the judge so assigned shall hold the office of Chief Judge in Bankruptcy in addition to the office of judge in the court to which he belongs. Any puisne judge or Vice-Chancellor appointed to any of the said Courts after the passing of this Act shall, when required by the Lord Chancellor, perform the duties of Chief Judge in Bankruptcy.

Appointment of registrars and other officers.

62. Subject to the provisions in this Act with respect to the officers of the existing London Bankruptcy Court, the registrars, clerks, ushers, and other subordinate officers thereof shall be appointed by the Chief Judge for the time being, and may be removed by him and others appointed in their stead if the judge is of opinion that they are negligent, unskilful, or untrustworthy in their performance of their duties, or ought in his opinion to be removed for any other just cause.

Salaries of officers.

63. Subject as aforesaid, there shall be paid, out of monies provided by Parliament, to the registrars, clerks, ushers, and other subordinate officers such salaries as the Chief Judge with the sanction of the Treasury may determine.

Duties of subordinate officers of court.

64. Subject as aforesaid, the registrars, clerks, ushers, and other subordinate officers of the London Bankruptcy Court shall perform such duties as may from time to time be assigned to them by the Chief Judge with the assent of the Lord Chancellor.

Jurisdiction of the London Court of Bankruptcy.

65. The London Court of Bankruptcy shall continue to be a court of law and of equity and a principal court of record, and the Chief Judge in Bankruptcy shall have all the powers, jurisdiction, and privileges possessed by any judge of Her Majesty's Superior Courts of Common Law at Westminster, or by any judge of Her Majesty's High Court of Chancery, and the orders of such judge shall be of the same force as if they were judgments in the Superior Courts of Common Law or decrees in the High Court of Chancery. The Chief Judge in Bankruptcy may sit in chambers, and when in chambers shall have the same jurisdiction and exercise the same powers as if sitting in open court.

Jurisdiction of county court judges.

66. Every judge of a local Court of Bankruptcy shall, for the purposes of this Act, in addition to his ordinary powers as a county court judge, have all the powers and jurisdiction of a judge of Her Majesty's High Court of Chancery, and the orders of such judge may be enforced accordingly in manner prescribed.

Powers of Court to delegate authority to registrar.

67. The Chief Judge in Bankruptcy and every judge of a local Court of Bankruptcy may, subject and in accordance with the rules of Court for the time being in force, delegate to the registrar or to any other officer of his court such of the powers vested in him by this Act as it may be expedient for the judge to delegate to him.

Scale of fees.

68. The Lord Chancellor shall, with the sanction of the Treasury, from time to time prescribe a scale of fees to be charged for any business done by any Court or officer thereof under this Act; and the Treasury shall direct whether the same shall be imposed by stamps or otherwise, and by whom and in what manner the same shall be collected, accounted for, and appropriated, and whether any and what remuneration shall be allowed to any person performing any duties under this Act.

Judges and officers in bankruptcy to be ineligible to sit in Parliament.

69. No judge, registrar, or officer having jurisdiction in bankruptcy, or attached to any Court having jurisdiction in bankruptcy, shall, during his continuance in office, be capable of being elected or sitting as a member of the House of Commons; and no registrar or officer of such Court shall, during his continuance in office, either directly or indirectly, by himself or partner, act as an attorney or solicitor in any proceeding in any bankruptcy in any Court of which he is registrar or officer, or in any appeal from such Court, or in any prosecution of a bankrupt by order of such Court, under pain of dismissal by the judge; and such dismissal shall be in writing, stating the reasons for the same; and a copy thereof shall be sent to the Chief Judge in Bankruptcy, who, if he shall see fit, may reinstate such registrar or officer.

Solicitors of Court of Chancery may practise in Bankruptcy Court.

70. Every attorney and solicitor of the Superior Courts shall be, and may practise as a solicitor of, and in the Court of Bankruptcy, and in matters before the Chief Judge or registrars, in the London Court of Bankruptcy, in court or in chambers, may appear and be heard without being required to employ counsel; and if any person not being such attorney or solicitor practises in the Court of Bankruptcy as attorney or solicitor, he shall be deemed guilty of a contempt of the Court.

Appeal from Courts.

71. Every Court having jurisdiction in bankruptcy under this Act may review, rescind, or vary any order made by it in pursuance of

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Description of Court.

this Act. Any person aggrieved by any order of a local Bankruptcy Court in respect of a matter of fact or of law made in pursuance of this Act may appeal to the Chief Judge in Bankruptcy, and it shall be lawful for such judge to alter, reverse, or confirm such order as he thinks just. Any order made by the Chief Judge in Bankruptcy, whether in respect of a matter brought before him on appeal or not, shall be subject to an appeal to the Court of Appeal in Chancery (which Court, for the purposes of this Act, shall be and form a Court of Record, and shall have all the jurisdiction, powers, and authorities of the Court of Bankruptcy, to be exerciseable either originally or on appeal, and shall have all the powers and authorities of the Court of Chancery relative to the trial of questions of fact, by jury, issue, or otherwise), and also, with the leave of the Court of Appeal, to the House of Lords, but no appeal shall be entertained under this Act except in conformity to such rules of court as may for the time being be in force in relation to such appeal.

General power of Bankruptcy Courts.

72. Subject to the provisions of this Act, every Court having jurisdiction in bankruptcy under this Act shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, arising in any case of bankruptcy coming within the cognizance of such Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case; and no such Court as aforesaid shall be subject to be restrained in the execution of its powers under this Act by the order of any other Court, nor shall any appeal lie from its decisions, except in manner directed by this Act; and if in any proceeding in bankruptcy there arises any question of fact which the parties desire to be tried before a jury instead of by the Court itself, or which the Court thinks ought to be tried by a jury, the Court may direct such trial to be had, and such trial may be had accordingly, in the London Court of Bankruptcy, in the same manner as if it were the trial of an issue in one of the superior Courts of Common Law, and in the County Court in the manner in which jury trials in ordinary cases are by law held in such Court.

Orders of Court.

Orders and Warrants of Court.

Enforcement of warrant and orders of Courts.

73. Any order made by a Court having jurisdiction in bankruptcy in England under this Act shall be enforced in Scotland and Ireland in the Courts having jurisdiction in bankruptcy in such countries respectively, in the same manner in all respects as if such order had been made by the Courts which are hereby required to

enforce the same; and in like manner any order made by the Court in Scotland having jurisdiction in bankruptcy shall be enforced in England and Ireland, and any order made by the Court having jurisdiction in bankruptcy in Ireland shall be enforced in England and Scotland by the Courts respectively having jurisdiction in bankruptcy in the division of the United Kingdom where the orders made require to be enforced, and in the same manner in all respects as if such order had been made by the Court required to enforce the same in a case of bankruptcy within its own jurisdiction.

Courts in England to be auxiliary to other Courts, &c.

74. The London Bankruptcy Court, the local Bankruptcy Court, the Courts having jurisdiction in bankruptcy in Scotland and Ireland, and every British Court elsewhere having jurisdiction in bankruptcy or insolvency, and the officers of such Courts respectively, shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of the Court seeking aid, together with a request to another of the said Courts, shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by such order, the like jurisdiction which the Court which made the request, as well as the Court to which the request is made, could exercise in regard to similar matters within their respective jurisdictions.

Examination in Scotland or Ireland.

75. Any Court having jurisdiction in bankruptcy in England under this Act may, if it thinks fit, order that a person named in the order being in Scotland or in Ireland shall be examined there.

Warrants of Bankruptcy Courts.

76. Any warrant of a Court having jurisdiction in bankruptcy in England under this Act may be enforced in Scotland, Ireland, the Isle of Man, the Channel Islands, and elsewhere in Her Majesty's dominions, in the same manner and subject to the same privileges in and subject to which a warrant issued by any justice of the peace against a person for an indictable offence against the laws of England may be executed in such countries respectively in pursuance of the Acts of Parliament in that behalf; and any search warrant issued by a Court having jurisdiction in bankruptcy under this Act for the discovery of any property of a bankrupt may be executed in manner prescribed or in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Commitment to prison.

77. Where any Court having jurisdiction in bankruptcy under this Act commits any person to prison, the commitment may be to such convenient prison as the Court thinks expedient, and if the

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gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a penalty not exceeding one hundred pounds.

General Rules.

General Rules.

General Rules.

78. The Lord Chancellor, with the advice of the chief judge in bankruptcy, may from time to time make, and may from time to time revoke and alter, general rules, in this Act described as rules of Court, for the effectual execution of this Act, and of the objects thereof, and the regulation of the practice and procedure of bankruptcy petitions and the proceedings thereon.

General rules to be made by Lord Chancellor, with advice of chief judge.

Any general rules made as aforesaid may prescribe regulations as to the service of bankruptcy petitions, including provisions for substituted service; as to the valuing of any debts provable in a bankruptcy; as to the valuation of securities held by creditors; as to the giving or withholding interest or discount on or in respect of debts or dividends; as to the funds out of which costs are to be paid, the order of payment, and the amount and taxation thereof; and as to any other matter or thing, whether similar or not to those above enumerated, in respect to which it may be expedient to make rules for carrying into effect the objects of this Act; and any rules so made shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if they were enacted in the body of this Act.

Any rules made in pursuance of the section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting; and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament, and any rules so made shall be judicially noticed.

Until rules have been made in pursuance of this Act, and so far as such rules do not extend, the principles, practice, and rules on which Courts having jurisdiction in bankruptcy have heretofore acted in dealing with bankruptcy proceedings shall be observed by any Court having jurisdiction in bankruptcy cases under this Act.

Change of Jurisdiction by Chancellor.

Change of jurisdiction by Lord Chancellor.

79. Notwithstanding anything in this Act contained, the Lord Chancellor may from time to time, by order under his hand, exclude any County Court from having jurisdiction in bankruptcy, and for the purposes of bankruptcy jurisdiction may attach its district or any part thereof to any other County Court or Courts, and may from time to time revoke or alter any order so made.

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Supplemental Provisions.

As to Proceedings.

Supplemental regulations as to proceedings in bankruptcy.

80. The following regulations shall be made with respect to proceedings in bankruptcy; namely,

(1.) Every bankruptcy petition shall be accompanied by an affidavit of the petitioner in the prescribed form, verifying the statements contained in such petition:

(2.) Where two or more bankruptcy petitions are presented against the same debtor or against debtors being members of the same partnership, the Court may consolidate the proceedings, or any of them, upon such terms as the Court thinks fit:

(3.) Where proceedings against the debtor are instituted in more Courts than one the London Court of Bankruptcy may, on the application of any creditor, direct the transfer of such proceedings to the London Court of Bankruptcy, or to any local Bankruptcy Court:

(4.) Where the petitioner does not proceed with due diligence on his petition the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of a petitioning creditor:

(5.) Where the creditors resolve by a special resolution that it will be more convenient that the proceedings in any local Bankruptcy Court should be transferred to the London Court or to some other local Court, or where the judge of a local Court certifies that in his opinion the bankruptcy would be more advantageously conducted in the London Court or in some other local Court, and the creditors do not by resolution object to the transfer, the petition shall be transferred to and all subsequent proceedings thereon had in the London Court or such other local Court:

(6.) Subject to the provisions of this Act, every Court having original jurisdiction in bankruptcy shall be deemed to be the same Court, and to have jurisdiction throughout England; and cases may be transferred from one Court to another in such manner as may be prescribed:

(7.) A corporation may prove a debt, vote, and otherwise act in bankruptcy, by an agent duly authorized under the seal of the corporation:

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(8.) A creditor may, in the prescribed manner, by instrument in writing, appoint a person to represent him in all matters relating to any debtor or his affairs in which a creditor is concerned in pursuance of this Act, and such representative shall thereupon, for all the purposes of this Act, stand in the same position as the creditor who appointed him:

(9.) When a debtor who has been adjudicated a bankrupt dies, the Court may order that the proceedings in the matter be continued as if he were alive:

(10.) The Court may, at any time, on proof to its satisfaction that proceedings in bankruptcy ought to be stayed, by reason that negotiations are pending for the liquidation of the affairs of the bankrupt by arrangement or for the acceptance of a composition by the creditors in pursuance of the provisions herein-after contained, or on proof to its satisfaction of any other sufficient reason for staying the same, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court may think just.

Consequences of annulling of adjudication.

81. Whenever any adjudication in bankruptcy is annulled all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged a bankrupt shall in such case vest in such person as the Court may appoint, or in default of any such appointment revert to the bankrupt for all his estate or interest therein upon such terms and subject to such conditions, if any, as the Court may declare by order. A copy of the order of the Court annulling the adjudication of a debtor as a bankrupt shall be forthwith published in the London Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the adjudication having been annulled, and of the terms of the order annulling the same.

Formal defects not to invalidate proceedings.

82. No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the Court before which an objection is made to such proceeding is of opinion that substantial injustice has been caused by such defect or irregularity, and that such injustice cannot be remedied by any order of such Court.

As to Trustees and Committee of Inspection.

Regulations as to trustees, &c.

83. The following regulations shall be made with respect to the trustee and committee of inspection:

(1.) The creditors may, if they think fit, appoint more persons than one to the office of trustee, and where more than one are appointed they shall declare whether any act required or authorized to be done by the trustee is to be done by all or any one or more of such persons, but all such persons are in this Act included under the term "trustee," and shall be joint tenants of the property of the bankrupt. The creditors may also appoint persons to act as trustees in succession in the event of one or more of the persons first named declining to accept the office of trustee:

(2.) If any vacancy occur in the office of trustee by death, resignation, or otherwise, the creditors in general meeting shall fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing trustee, if there be more than one, or by the registrar on the requisition of any creditor:

(3.) If, through any cause whatever, there is no trustee acting during the continuance of a bankruptcy, the registrar of the Court for the time being having jurisdiction in the bankruptcy shall act as such trustee:

(4.) The Court may, upon cause shown, remove any trustee. The creditors may, by special resolution at a meeting specially called for that purpose, of which seven days notice has been given, remove the trustee and appoint another person to fill his office, and the Court shall give a certificate declaring him to be the trustee:

(5.) If a trustee be adjudged bankrupt, he shall cease to be trustee, and the registrar shall, if there be no other trustee, call a meeting of creditors for the appointment of another trustee in his place:

(6.) The property of the bankrupt shall pass from trustee to trustee, including under that term the registrar when he fills the office of trustee, and shall vest in the trustee for the time being during his continuance in office, without any conveyance, assignment, or transfer whatever:

(7.) The trustee of a bankrupt may sue and be sued by the official name of "the trustee of the property of a bankrupt," inserting the name of the bankrupt, and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding upon himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office:

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(8.) The certificate of appointment of a trustee shall, for all purposes of any law in force in any part of the British dominions requiring registration, enrolment, or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled, and recorded accordingly:

(9.) All acts and things by this Act authorized or required to be done by or to the registrar may be done within the district of each Court having jurisdiction in bankruptcy by or to the registrar of that Court:

(10.) Any member of the committee of inspection may resign his office by notice in writing signed by him, and delivered to the trustee:

(11.) The creditors may by resolution fix the quorum required to be present at a meeting of the committee of inspection:

(12.) Any member of the committee of inspection may also be removed by a special resolution at any meeting of creditors of which the prescribed notice has been given, stating the object of the meeting:

(13.) On any vacancy occurring in the office of a member of the committee of inspection by removal, death, resignation, or otherwise, the trustee shall convene a meeting of creditors for the purpose of filling up such vacancy:

(14.) The continuing members of the committee of inspection may act, notwithstanding any vacancy in their body; and where the number of members of the committee of inspection is for the time being less than five, the creditors may increase that number so that it do not exceed five:

(15.) No defect or irregularity in the election of a trustee or of a member of the committee of inspection shall vitiate any act bonâ fide done by him; and no act or proceeding of the trustee or of the creditors shall be invalid by reason of any failure of the creditors to elect all or any members of the committee of inspection:

(16.) If a member of the committee of inspection become a bankrupt his office shall thereupon become vacant:

(17.) Where there is no committee of inspection, any act or thing or any direction or consent by this Act authorized or required to be done or given by such committee may be done or given by the Court on the application of the trustee.

Power of Court, on failure of creditors, to appoint trustee.

84. The registrar may adjourn the first meeting of creditors from time to time and from place to place, subject to the directions of the Court; but if, at such first meeting of creditors or at some adjourn-

ment thereof, no trustee is appointed by reason of the prescribed quorum not being present, or for any other reason whatever, the Court may annul the adjudication, unless it deems it expedient to carry on the bankruptcy with the aid of the registrar as trustee. Moreover, if at any time during the bankruptcy no new trustee is appointed to fill a vacancy in that office, the Court may either carry on the bankruptcy with the aid of the registrar as trustee or annul the order of adjudication, as it thinks just.

As to Power over Bankrupt.

Post letters addressed to bankrupt.

85. The Court, upon the application of the trustee, may from time to time order that, for such time as the Court thinks fit, not exceeding three months from the date of the order of adjudication, post letters addressed to the bankrupt at any place or any of the places mentioned in the order, shall be re-directed, sent, or delivered by the Postmaster General or the officers acting under him, to the trustee or otherwise as the Court directs, and the same shall be done accordingly.

Arrest of bankrupt under certain circumstances.

86. The Court may, by warrant addressed to any constable or prescribed officer of the Court, cause a debtor to be arrested, and any books, papers, monies, goods, and chattels in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:

(1.) If, after a petition of bankruptcy is presented against such debtor, it appear to the Court that there is probable reason for believing that he is about to go abroad or to quit his place of residence with a view of avoiding service of the petition, or of avoiding appearing to the petition, or of avoiding examination in respect of his affairs, or otherwise delaying or embarrassing the proceedings in bankruptcy:

(2.) If, after a petition in bankruptcy has been presented against such debtor, it appear to the Court that there is probable cause for believing that he is about to remove his goods or chattels with a view of preventing or delaying such goods or chattels being taken possession of by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or chattels, or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy:

(3.) If after the service of the petition on such debtor, or after an adjudication in bankruptcy against him, he remove any goods or chattels in his possession above the value of five

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pounds, without the leave of the trustee, or if, without good cause shown, he fails to attend any examination ordered by the Court.

As to Property devolving on Trustee.

Proceeds of sale and seizure of goods.

87. Where the goods of any trader have been taken in execution in respect of a judgment for a sum exceeding fifty pounds and sold, the sheriff, or in the case of a sale under the direction of the County Court, the high bailiff or other officer of the County Court, shall retain the proceeds of such sale in his hands for a period of fourteen days, and upon notice being served on him within that period of a bankruptcy petition having been presented against such trader, shall hold the proceeds of such sale, after deducting expenses, on trust to pay the same to the trustee; but if no notice of such petition having been presented be served on him within such period of fourteen days, or if, such notice having been served, the trader against whom the petition has been presented is not adjudged a bankrupt on such petition, or on any other petition of which the sheriff, high bailiff, or other officer has notice, he may deal with the proceeds of such sale in the same manner as he would have done had no notice of the presentation of a bankruptcy petition been served on him.

Sequestration of ecclesiastical benefice.

88. Where a bankrupt is a beneficed clergyman, the trustee may apply for a sequestration of the profits of the benefice, and the certificate of the appointment of the trustee shall be sufficient authority for the granting of sequestration without any writ or other proceeding, and the same shall accordingly be issued as on a writ of levari facias founded on a judgment against the bankrupt, and shall have priority over any other sequestration issued after the commencement of the bankruptcy, except a sequestration issued before the date of the order of adjudication by or on behalf of a person who at the time of the issue thereof had not notice of an act of bankruptcy committed by the bankrupt, and available against him for adjudication; but the sequestrator shall allow out of the profits of the benefice to the bankrupt, while he performs the duties of the parish or place, such an annual sum, payable quarterly, as the bishop of the diocese in which the benefice is situate directs; and the bishop may appoint to the bankrupt such or the like stipend as he might by law have appointed to a curate duly licensed to serve the benefice in case the bankrupt had been non-resident.

Appropriation of portion of pay of officers to creditors.

89. Where a bankrupt is or has been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, or is in the enjoyment of any pension

or compensation granted by the Treasury, the trustee during the bankruptcy, and the registrar after the close of the bankruptcy, shall receive for distribution amongst the creditors so much of the bankrupt's pay, half pay, salary, emolument, or pension as the Court, upon the application of the trustee, thinks just and reasonable, to be paid in such manner and at such times as the Court, with the consent in writing of the chief officer of the department under which the pay, half pay, salary, emolument, pension, or compensation is enjoyed, directs.

Appropriation of portion of salary to creditors.

90. Where a bankrupt is in the receipt of a salary or income other than as aforesaid, the Court upon the application of the trustee shall from time to time make such order as it thinks just for the payment of such salary or income, or of any part thereof, to the trustee during the bankruptcy, and to the registrar if necessary after the close of the bankruptcy, to be applied by him in such manner as the Court may direct.

Avoidance of voluntary settlements.

91. Any settlement of property made by a trader not being a settlement made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife, shall, if the settlor becomes bankrupt within two years after the date of such settlement, be void as against the trustee of the bankrupt appointed under this Act, and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of such settlement, unless the parties claiming under such settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in such settlement, be void against such trustee. Any covenant or contract made by a trader, in consideration of marriage, for the future settlement upon or for his wife or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent in possession or remainder, and not being money or property of or in right of his wife, shall, upon his becoming bankrupt before such property or money has been actually transferred or paid pursuant to such contract or covenant, be void against his trustee appointed under this Act.

"Settlement" shall for the purposes of this section include any conveyance or transfer of property.

Avoidance of fraudulent preferences.

92. Every conveyance or transfer of property, or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay

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his debts as they become due from his own monies in favour of any creditor, or any person in trust for any creditor, with a view of giving such creditor a preference over the other creditors, shall, if the person making, taking, paying, or suffering the same become bankrupt within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the trustee of the bankrupt appointed under this Act; but this section shall not affect the rights of a purchaser, payee, or incumbrancer in good faith and for valuable consideration.

Payment of money by agents to trustee.

93. Any treasurer or other officer, or any banker, attorney, or agent of a bankrupt, shall pay and deliver to the trustee all monies and securities in his possession or power, as such officer or agent, if he be not by law entitled to retain as against the bankrupt or the trustee; if he do not he shall be guilty of a contempt of Court, and may be punished accordingly on the application of the trustee.

Protection of certain transactions with bankrupt.

94. Nothing in this Act contained shall render invalid,—

(1.) Any payment made in good faith and for value received to any bankrupt before the date of the order of adjudication by a person not having at the time of such payment notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:

(2.) Any payment or delivery of money or goods belonging to a bankrupt, made to such bankrupt by a depositary of such money or goods before the date of the order of adjudication, who had not at the time of such payment or delivery notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:

(3.) Any contract or dealing with any bankrupt, made in good faith and for valuable consideration, before the date of the order of adjudication, by a person not having, at the time of making such contract or dealing, notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

Protection of certain transactions entered into by or in relation to the property of the bankrupt.

95. Subject and without prejudice to the provisions of this Act relating to the proceeds of the sale and seizure of goods of a trader, and to the provisions of this Act avoiding certain settlements, and avoiding, on the ground of their constituting fraudulent preferences, certain conveyances, charges, payments, and judicial proceedings, the following transactions by and in relation to the property of a bankrupt shall be valid, notwithstanding any prior act of bankruptcy,—

(1.) Any disposition or contract with respect to the disposition of property by conveyance, transfer, charge, delivery of goods,

payment of money, or otherwise howsoever made by any bankrupt in good faith and for valuable consideration, before the date of the order of adjudication, with any person not having at the time of the making of such disposition of property notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:

(2.) Any execution or attachment against the land of the bankrupt, executed in good faith by seizure before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being so executed by seizure notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication:

(3.) Any execution or attachment against the goods of any bankrupt, executed in good faith by seizure and sale before the date of the order of adjudication, if the person on whose account such execution or attachment was issued had not at the time of the same being executed by seizure and sale notice of any act of bankruptcy committed by the bankrupt, and available against him for adjudication.

As to Discovery of Bankrupt's Property.

Power of Court to summon persons before it suspected of having property of bankrupt.

96. The Court may, on the application of the trustee, at any time after an order of adjudication has been made against a bankrupt, summon before it the bankrupt or his wife, or any person whatever known or suspected to have in his possession any of the estate or effects belonging to the bankrupt, or supposed to be indebted to the bankrupt, or any person whom the Court may deem capable of giving information respecting the bankrupt, his trade dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the bankrupt, his dealings or property; and if any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce such documents, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant addressed as aforesaid, cause such person to be apprehended and brought up for examination.

Examination of parties by Court.

97. The Court may examine upon oath, either by word of mouth or by written interrogatories, any person so brought before it in manner aforesaid concerning the bankrupt, his dealings or property.

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Order of Court for payment of amount admitted on examination.

98. If any person on examination before the Court admit he is indebted to the bankrupt, the Court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the Court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

Seizure of property of bankrupt.

99. Any person acting under warrant of the Court may seize any property of the bankrupt divisible amongst his creditors under this Act, and in the bankrupt's custody or possession, or in that of any other person, and with a view to such seizure may break open any house, building, or room of the bankrupt where the bankrupt is supposed to be, or any building or receptacle of the bankrupt where any of his property is supposed to be; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search warrant to any constable or prescribed officer of the Court, who may execute the same according to the tenor thereof.

Joint and separate Estates.

Power to present petition against one partner.

100. Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present such petition against any one or more partners of such firm without including the others.

Power to dismiss petition against some respondents only.

101. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Property of partners to be vested in same trustee.

102. Where one member of a partnership has been adjudicated a bankrupt, any other petition for adjudication against a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution, and, unless the Court otherwise directs, the property of such last-mentioned member shall vest in the trustee appointed in respect of the property of the first-mentioned member of the partnership, and the Court may give such directions for amalgamating the proceedings in respect of the properties of the members of the same partnership as it thinks just.

Joint creditor may prove for purpose of voting.

103. If one partner of a firm is adjudged bankrupt, any creditor to whom the bankrupt is indebted jointly with the other

partners of the firm, or any of them, may prove his debt for the purpose of voting at any meeting of creditors, and shall be entitled to vote thereat, but shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

Joint and separate dividends.

104. Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the trustee between the joint and separate properties, regard being had to the work done for and the benefit received by each property.

Suits by trustee and bankrupt's partners.

105. Where a member of a partnership is adjudged bankrupt, the Court may authorize the trustee, with consent of the creditors, certified by a special resolution, to commence and prosecute any action or suit in the names of the trustee and of the bankrupt's partner; and any release by such partner of the debt or demand to which the action or suit relates shall be void; but notice of the application for authority to commence the action or suit shall be given to such partner, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action or suit, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

Evidence.

Evidence of proceedings at meeting of creditors.

106. The registrar, or any other person presiding at a meeting of creditors under this Act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting, and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

Evidence of proceedings in bankruptcy.

107. Any petition or copy of a petition in bankruptcy, any order or copy of an order made by any Court having jurisdiction in bankruptcy, any certificate or copy of a certificate made by any Court having jurisdiction in bankruptcy, any deed or copy of a deed of arrangement in bankruptcy, and any other instrument or copy

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of an instrument, affidavit, or document made or used in the course of any bankruptcy proceedings, or other proceedings had under this Act, may, if any such instrument as aforesaid or copy of an instrument appears to be sealed with the seal of any Court having jurisdiction, or purports to be signed by any judge having jurisdiction in bankruptcy under this Act, be receivable in evidence in all legal proceedings whatever.

Death of witness.

108. In case of the death of the bankrupt or his wife, or of a witness whose evidence has been received by any Court in any proceeding under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the Court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

Bankruptcy Courts to have seals.

109. Every Court having jurisdiction in bankruptcy under this Act shall have a seal describing such Court in such manner as may be directed by order of the Lord Chancellor, and judicial notice shall be taken of such seal, and of the signature of the judge or registrar of any such Court, in all legal proceedings.

Miscellaneous.

Expenses of registrar attending meetings, &c.

110. Where a registrar under the authority of this Act attends at any place for the purpose of presiding at a meeting of creditors, or of receiving proofs, or of otherwise acting under this Act, his travelling and incidental expenses incurred in so doing, and those of any clerk or officer attending him, shall, after being settled by the Court, be paid out of the bankrupt's property, if sufficient, and otherwise shall be deemed part of the expenses of the Court.

Power of assignee to sue.

111. Any person to whom anything in action belonging to the bankrupt is assigned in pursuance of this Act may bring or defend any action or suit relating to such thing in action in his own name.

Saving as to joint contracts.

112. Where a bankrupt is a contractor in respect of any contract jointly with any other person or persons, such person or persons may sue or be sued in respect of such contract, without the joinder of the bankrupt.

Exemption of deeds, &c. from stamp duty.

113. Every deed, conveyance, assignment, surrender, admission, or other assurance relating solely to freehold, leasehold, copyhold, or customary property, or to any mortgage, charge, or other incumbrance on, or any estate, right, or interest in any real or personal property which is part of the estate of any bankrupt, and which after the execution of such deed, conveyance, assignment, surrender, admission, or other assurance, either at law or in equity, is or

remains the estate of the bankrupt or of the trustee under the bankruptcy, and every power of attorney, proxy paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any bankrupt, or to any proceeding under any bankruptcy, shall be exempt from stamp duty (except in respect of fees under this Act).

Computation of time.

114. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of such limited time according to such computation, unless such last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter Week, or a day appointed for public fast, humiliation, or thanksgiving, or a day on which, in pursuance of a notification by the Lord Chancellor under this Act, the Court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

Returns by bankruptcy officer.

115. The registrars and other officers of the courts acting in bankruptcy shall make to the comptroller in bankruptcy such returns of the business of their respective courts and offices, at such times and in such manner and form as may be prescribed by the rules of Court, and from such returns the comptroller shall, in manner prescribed by the rules of court, frame books (which shall be, under the regulations of the rules of Court, open for public information and searches), and also a general annual report to the Lord Chancellor, judicial and financial, respecting all matters within this Act, which report shall be laid before both Houses of Parliament.

Forfeiture of dividends after five years non-claim.

116. Where any dividends remain unclaimed for five years then and in every such case the same shall be deemed vested in the Crown, and shall be disposed of as the Commissioners of Her Majesty's Treasury direct; provided, that at any time after such

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vesting the Lord Chancellor or any Court authorized by him may, by reason of the disability or absence beyond seas of the person entitled to the sum so vested, or for any other reason appearing to him sufficient, direct that the said sum shall be repaid out of money provided by Parliament.

Removal of bankrupt from trusteeship.

117. Where a bankrupt is a trustee within the Trustee Act, 1850, section thirty-two of that Act shall have effect so as to authorize the Court to appoint a new trustee in substitution for the bankrupt (whether voluntarily resigning or not), if it appears to the Court expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Saving as to debts contracted prior to August 1861.

118. No person, not being a trader, shall be adjudged a bankrupt in respect of a debt contracted before the date of the passing of the Bankruptcy Act, 1861.

Construction of Acts mentioning commission of bankruptcy, &c.

119. Where in any Act of Parliament, instrument, or proceeding passed, executed, or taken before the commencement of this Act mention is made of a commission of bankruptcy or fiat in bankruptcy, the same shall be construed, with reference to the proceedings under a petition for adjudication of bankruptcy, as if a commission of or a fiat in bankruptcy had been actually issued at the time of the presentation of such petition.

PART V.

Privilege of Parliament.

PART V.

PERSONS HAVING PRIVILEGE OF PARLIAMENT.

Privilege of Parliament not to prevent adjudication in bankruptcy.

120. If a person having privilege of Parliament commits an act of bankruptcy he may be dealt with under this Act in like manner as if he had not such privilege.

Vacating of seat in House of Commons.

121. If a person, being a member of the Commons House of Parliament, is adjudged bankrupt, he shall be and remain during one year from the date of the order of adjudication incapable of sitting and voting in that House, unless within that time either the order is annulled or the creditors who prove debts under the bankruptcy are fully paid or satisfied.

Provided that such debts (if any) as are disputed by the bankrupt shall be considered, for the purpose of this section, as paid or satisfied if within the time aforesaid he enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning such debts, together with any costs to be given in such proceedings.

Certificate of bankruptcy to be given by the Court to the Speaker.

122. If within the time aforesaid the order of adjudication is not annulled, and the debts of the bankrupt are not fully paid or satisfied as aforesaid, then the Court shall, immediately after the expiration of that time, certify the same to the Speaker of the House of Commons, and thereupon the seat of such member shall be vacant.

Speaker to issue new writ.

123. Where the seat of a member so becomes vacant the Speaker during a recess of the House, whether by prorogation or by adjournment, shall forthwith, after receiving such certificate, cause notice thereof to be published in the London Gazette; and after the expiration of six days after such publication shall (unless the House has met before that day, or will meet on the day of the issue,) issue his warrant to the clerk of the Crown to make out a new writ for electing another member in the room of the member whose seat has so become vacant.

Provisions of 24 Geo. 3. sess. 2. c. 26. extended to case of bankruptcy.

124. The powers of the Act of the twenty-fourth year of the reign of King George the Third, chapter twenty-six, "to repeal so "much of two Acts made in the tenth and fifteenth years of the "reign of His present Majesty as authorizes the Speaker of the "House of Commons to issue his warrant to the clerk of the Crown "for making out writs for the election of members to serve in "Parliament in the manner therein mentioned; and for substitut- "ing other provisions for the like purposes," so far as such powers enable the Speaker to nominate and appoint other persons, being members of the House of Commons, to issue warrants for the making out of new writs during the vacancy of the office of Speaker, or during his absence out of the realm, shall extend to enable him to make the like nomination and appointment for issuing warrants, under the like circumstances and conditions, for the election of a member in the room of any bankrupt member whose seat becomes vacant under this Act.

PART VI.

Liquidation by Arrangement.

Regulations.

Regulations as to liquidation by arrangement.

125. The following regulations shall be made with respect to the liquidation by arrangement of the affairs of the debtor:

(1.) A debtor unable to pay his debts may summon a general meeting of his creditors, and such meeting may, by a special resolution as defined by this Act, declare that the affairs of the debtor are to be liquidated by arrangement and not in bankruptcy, and may at that or some subsequent meeting,

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held at an interval of not more than a week, appoint a trustee, with or without a committee of inspection.

(2.) All the provisions of this Act relating to a first meeting of creditors, and to subsequent meetings of creditors in the case of a bankruptcy, including the description of creditors entitled to vote at such meetings, and the debts in respect of which they are entitled to vote, shall apply respectively to the first meeting of creditors, and to subsequent meetings of creditors, for the purposes of this section, subject to the following modifications:

(*a.*) That every such meeting shall be presided over by such chairman as the meeting may elect; and

(*b.*) That no creditor shall be entitled to vote until he has proved by a statutory declaration a debt provable in bankruptcy to be due to him, and the amount of such debt, with any prescribed particulars; and any person wilfully making a false declaration in relation to such debt shall be guilty of a misdemeanor.

(3.) The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the meeting at which the special resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meeting some one on his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom his debts are due.

(4.) The special resolution, together with the statement of the assets and debts of the debtor, and the name of the trustee appointed, and of the members, if any, of the committee of inspection, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, but if satisfied that it was so passed, and that a trustee has been appointed with or without a committee of inspection, he shall forthwith register the resolution and the statement of the assets and debts of the debtor, and such resolution and statement shall be open for inspection on the prescribed conditions, and the liquidation by arrangement shall be deemed to have commenced as from the date of the appointment of the trustee.

(5.) All such property of the debtor as would, if he were made bankrupt, be divisible amongst his creditors shall, from and after the date of the appointment of a trustee, vest in such trustee under a liquidation by arrangement, and be divisible

amongst the creditors, and all such settlements, conveyances, transfers, charges, payments, obligations, and proceedings as would be void against the trustee in the case of a bankruptcy shall be void against the trustee in the case of liquidation by arrangement.

(6.) The certificate of the registrar in respect of the appointment of any trustee in the case of a liquidation by arrangement shall be of the same effect as a certificate of the court to the like effect in the case of a bankruptcy.

(7.) The trustee under a liquidation shall have the same powers, and perform the same duties, as a trustee under a bankruptcy, and the property of the debtor shall be distributed in the same manner as in a bankruptcy; and with the modification herein-after mentioned all the provisions of this Act shall, so far as the same are applicable, apply to the case of a liquidation by arrangement in the same manner as if the word "bankrupt" included a debtor whose affairs are under liquidation, and the word "bankruptcy" included liquidation by arrangement; and in construing such provisions the appointment of a trustee under a liquidation shall, according to circumstances, be deemed to be equivalent to and a substitute for the presentation of a petition in bankruptcy, or the service of such petition or an order of adjudication in bankruptcy.

(8.) The creditors at their first or any general meeting may prescribe the bank into which the trustee is to pay any monies received by him, and the sum which he may retain in his hands.

(9.) The provisions of this Act with respect to the close of the bankruptcy, discharge of a bankrupt, to the release of the trustee, and to the audit of accounts by the comptroller shall not apply in the case of a debtor whose affairs are under liquidation by arrangement; but the close of the liquidation may be fixed, and the discharge of the debtor and the release of the trustee may be granted by a special resolution of the creditors in general meeting, and the accounts may be audited in pursuance of such resolution, at such time and in such manner and upon such terms and conditions as the creditors think fit.

(10.) The trustee shall report to the registrar the discharge of the debtor, and a certificate of such discharge given by the registrar shall have the same effect as an order of discharge given to a bankrupt under this Act.

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(11.) Rules of Court may be made in relation to proceedings on the occasion of liquidation by arrangement in the same manner and to the same extent and of the same authority as in respect of proceedings in bankruptcy.

(12.) If it appear to the Court on satisfactory evidence that the liquidation by arrangement cannot, in consequence of legal difficulties, or of there being no trustee for the time being, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.

(13.) Where no committee of inspection is appointed the trustee may act on his own discretion in cases where he would otherwise have been bound to refer to such committee.

(14.) In calculating a majority on a special resolution for the purposes of this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number.

Part VII.

Composition with Creditors.

PART VII.

Composition with Creditors.

Regulations.

Regulations as to composition by creditors.

126. The creditors of a debtor unable to pay his debts may, without any proceedings in bankruptcy, by an extraordinary resolution, resolve that a composition shall be accepted in satisfaction of the debts due to them from the debtor.

An extraordinary resolution of creditors shall be a resolution which has been passed by a majority in number and three fourths in value of the creditors of the debtor, assembled at a general meeting to be held in the manner prescribed, of which notice has been given in the prescribed manner, and has been confirmed by a majority in number and value of the creditors assembled at a subsequent general meeting, of which notice has been given in the prescribed manner, and held at an interval of not less than seven days nor more than fourteen days from the date of the meeting at which such resolution was first passed.

In calculating a majority for the purposes of a composition under this section, creditors whose debts amount to sums not exceeding ten pounds shall be reckoned in the majority in value, but not in the majority in number, and the value of the debts of secured creditors

shall, as nearly as circumstances admit, be estimated in the same way, and the same description of creditors shall be entitled to vote at such general meetings as in bankruptcy.

The debtor, unless prevented by sickness or other cause satisfactory to such meetings, shall be present at both the meetings at which the extraordinary resolution is passed, and shall answer any inquiries made of him, and he, or if he is so prevented from being at such meetings some one on his behalf, shall produce to the meetings a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

The extraordinary resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the registrar, and it shall be his duty to inquire whether such resolution has been passed in manner directed by this section, and if satisfied that it has been so passed he shall forthwith register the resolution and statement of assets and debts, but until such registration has taken place such resolution shall be of no validity; and any creditor of the debtor may inspect such statement at prescribed times, and on payment of such fee, if any, as may be prescribed.

The creditors may, by an extraordinary resolution, add to or vary the provisions of any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation; and any such extraordinary resolution shall be presented to the registrar in the same manner and with the same consequences as the extraordinary resolution by which the composition was accepted in the first instance.

The provisions of a composition accepted by an extraordinary resolution in pursuance of this section shall be binding on all the creditors whose names and addresses, and the amount of the debts due to whom, are shown in the statement of the debtor, produced to the meetings at which the resolution has passed, but shall not affect or prejudice the rights of any other creditors.

Where a debt arises on a bill of exchange or promissory note, if the debtor is ignorant of the holder of any such bill of exchange or promissory note, he shall be required to state the amount of such bill or note, the date on which it falls due, the name of the acceptor or person to whom it is payable, and any other particulars within his knowledge respecting the same, and the insertion of such particulars shall be deemed a sufficient description of the creditor of the debtor in respect of such debt, and any mistake made inadvertently by a debtor in the statement of his debts may be corrected after the

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prescribed notice has been given, with the consent of a general meeting of his creditors.

The provisions of any composition made in pursuance of this section may be enforced by the Court on a motion made in a summary manner by any person interested, and any disobedience of the order of the Court made on such motion shall be deemed to be a contempt of Court.

Rules of Court may be made in relation to proceedings on the occasion of the acceptance of a composition by an extraordinary resolution of creditors in the same manner and to the same extent and of the same authority as in respect of proceedings in bankruptcy.

If it appear to the Court on satisfactory evidence that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the Court may adjudge the debtor a bankrupt, and proceedings may be had accordingly.

Registration of resolutions of creditors conclusive in certain cases.

127. The registration by the registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under Part Six of this Act, or of an extraordinary resolution of the creditors on the occasion of a composition under the Seventh Part of this Act, shall, in the absence of fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this Act in respect of such resolutions complied with.

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Temporary Provisions.

PART VIII.

Temporary Provisions.

Bankruptcy Courts.

Commissioners of London Bankruptcy Court to cease to hold offices.

128. Such one of the present Commissioners of the London Bankruptcy Court as may be chosen by Her Majesty shall be the first Chief Judge in the London Bankruptcy Court as constituted under this Act, and shall, as to tenure of office, salary, pension, and all other privileges except his title, continue in the same position in all respects as if his office had not been abolished by this Act; but, save as aforesaid, from and after the commencement of this Act the present Commissioners of the London Bankruptcy Court shall cease to hold their offices.

Transfer of officers of existing

129. The chief registrar, registrars, accountant in bankruptcy, taxing masters, official assignees, messengers, and all other officers

holding offices or employed in the existing London Bankruptcy Court, herein called the Old London Bankruptcy, at the commencement of this Act, shall, unless the Lord Chancellor otherwise directs, be attached to the London Bankruptcy Court as constituted under this Act, herein called the New London Bankruptcy Court. The officers so attached shall have the same relative rank, hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries as heretofore. The Lord Chancellor may by order make provision for winding up such portion of the business pending in the said old Bankruptcy Court as cannot conveniently be transferred to the new Bankruptcy Court, and for transferring to such last-mentioned Court any business capable of being conveniently transferred, and every officer attached to such last-mentioned Court shall conform to any order so made by the Lord Chancellor. The Lord Chancellor may by order distribute the business to be performed in the said new Bankruptcy Court amongst the several officers attached thereto in such manner as he may think just, and such officers shall perform such duties in relation to such business as may be directed by the Lord Chancellor, with this qualification, that the duties required to be performed by them shall be the same or duties analogous to those which they have hitherto performed in the old Bankruptcy Court. The Lord Chancellor may at any time by order release from the performance of any duties in the new Bankruptcy Court any officer of the old Bankruptcy Court whose services he may deem unnecessary, and the office held by such person shall be deemed to be abolished unless it be an office required to be continued in pursuance of the provisions of this Act relating to the constitution of the new Bankruptcy Court. Any person so released shall, whether his office be altogether abolished or not, be entitled to compensation in the same manner in all respects as if his office had been abolished.

Court to new Court of Bankruptcy.

130. From and after the commencement of this Act the Country District Courts of Bankruptcy shall be abolished, and the commissioners, registrars, official assignees, messengers, ushers, clerks, and officers of the said Courts respectively shall cease to hold their offices.

Abolition of Country District Courts of Bankruptcy.

Such part of the business pending in any Country District Court of Bankruptcy as the Lord Chancellor thinks fit shall be disposed of by the registrar of that Court, (who shall for that purpose continue to have and discharge all his powers and authorities, rights and duties,) and the residue of that business shall be transferred to the London Bankruptcy Court, or to such County Court or County Courts as the Lord Chancellor, by order before or after its

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PART VIII.

Temporary Provisions.

abolition, thinks fit to direct; but, subject as aforesaid, the office of any registrar in such Country District Court shall be abolished.

All books, papers, documents, and money in the custody or control of any such commissioners, registrars, official assignees, messengers, ushers, clerks, and officers, as such, shall be transferred to such Courts or persons as the Lord Chancellor may direct. The Lord Chancellor shall also by order declare the person or persons in whom any property vested in any official assignee or other officer as such of any Country District Court hereby abolished is to vest, and such property shall vest accordingly.

Compensation to officers.

131. The Commissioners of Her Majesty's Treasury may, on the petition of any person whose office or employment is abolished by or under this Act, on the commencement of this Act or on any other event, inquire whether any, and, if any, what compensation ought to be made to the petitioner, regard being had to the conditions on which his appointment was made, the nature of his office or employment, and the duration of his service; and if they think that his claim to compensation is established, may award to him, out of monies to be provided by Parliament, such compensation, by annuity or otherwise, as under the circumstances of the case they think just and reasonable; provided that when any such person held his office during good behaviour, or during good behaviour subject only to removal by the Lord Chancellor by order, for some sufficient reason to be stated in such order, the Lord Chancellor may, with the approval of the Commissioners of the Treasury, award under special circumstances an amount equal to the salary of any such person; and in every other case the sum awarded shall not be less than two thirds of the salary of such person.

Persons to be selected whose office is abolished by Act.

132. Every person appointed to any office or employment created by this Act shall in the first instance be selected from the persons whose office or employment is abolished by this Act, unless, in the opinion of the Lord Chancellor, none of the last-mentioned persons are fit for such office or employment.

Subsequent appointment to be notified to the Treasury.

133. When any subsequent vacancy occurs in any office or employment created by this Act, and such vacancy is not filled up by the appointment of a person in the receipt of compensation under this Act, no permanent appointment shall be made until notice of the vacancy has been given to the Treasury, and until the Lord Chancellor has determined that no person in receipt of compensation under this Act is fit for such office or employment.

Nominations to be by Lord Chancellor.

134. The Lord Chancellor may nominate or appoint any commissioner whose office has been abolished under this Act to some other

judicial office of equal or greater salary for which he may be deemed fit by the Lord Chancellor, and to which he is entitled to nominate or appoint, and may nominate or appoint any other person whose office or employment has been abolished by this Act, whom he may deem fit to fill a vacancy in any office or employment created by this Act, of equal or greater salary, to which he is entitled to nominate or appoint, provided that the person appointed be in the receipt of compensation or superannuation allowance equal to the amount of his salary at the time of the abolition of his office; and if the commissioner or other person so nominated or appointed declines to accept such office or employment, or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the compensation or superannuation allowance which may have been granted to him, or which he might otherwise be entitled to receive, unless he shall satisfy the Lord Chancellor that the office is one not suitable to his position, regard being had to his former office.

Acceptance of public employment by annuitants.

135. If any person to whom a compensation annuity is granted under this Act accepts any public employment, he shall, during the continuance of that employment, receive only so much (if any) of that annuity as, with the remuneration of that employment, will amount to a sum not exceeding the salary or emoluments in respect of the loss whereof the annuity was awarded, and if the remuneration of that employment is equal to or greater than such salary or emoluments the annuity shall be suspended so long as he received that remuneration.

Superannuation of registrars, &c.

136. The registrars, clerks, and other persons holding their offices at the passing of this Act who may be continued in their offices, shall, on their retirement therefrom, be allowed such superannuation as they would have been entitled to receive if this Act had not been passed, and they had continued in their offices under the existing Acts; and any other registrar, officer, or person appointed to any office under this Act may be allowed superannuation in pursuance of the provisions of the Superannuation Act of 1859.

SCHEDULES.

SCHEDULE I.

Description of Traders.

Alum makers, apothecaries, auctioneers, bankers, bleachers, brokers, brickmakers, builders, calenderers, carpenters, carriers, cattle or sheep salesmen, coach proprietors, cowkeepers, dyers, fullers, keepers of inns, taverns, hotels, or coffee houses, lime-burners, livery stable keepers, market gardeners, millers, packers, printers, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade or profession of a scrivener, receiving other men's monies or estates into their trust or custody, persons insuring ships or their freight or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities; but a farmer, grazier, common labourer, or workman for hire shall not, nor shall a member of any partnership, association, or company which cannot be adjudged bankrupt under this Act, be deemed as such a trader for the purposes of this Act.

SCHEDULE II.

List of Metropolitan County Courts.

The Bloomsbury County Court of Middlesex.
The Bow County Court of Middlesex.
The Brompton County Court of Middlesex.
The Clerkenwell County Court of Middlesex.
The Lambeth County Court of Surrey.
The Marylebone County Court of Middlesex.
The Shoreditch County Court of Middlesex.
The Southwark County Court of Surrey.
The Westminster County Court of Middlesex.
The Whitechapel County Court of Middlesex.

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CHAP. 72.

An Act to amend "The Drainage and Improvement of Lands (Ireland) Act, 1863," and to afford further facilities for the purposes thereof. [9th August 1869.] A.D. 1869.

WHEREAS an Act passed in the session of Parliament holden in the twenty-sixth and twenty-seventh years of Her Majesty, chapter eighty-eight, intituled "An Act to enable landed proprietors "to construct works for Drainage and Improvement of Lands in "Ireland:" 26 & 27 Vict. c. 88.

And whereas a further Act was passed in the session holden in the twenty-seventh and twenty-eighth years of Her Majesty, chapter seventy-two, explaining certain provisions contained in the said Act: 27 & 28 Vict. c. 72.

And whereas a further Act was passed in the session of Parliament holden in the twenty-eighth and twenty-ninth years of Her Majesty, chapter fifty-two, intituled "An Act to amend the Drainage "and Improvement of Lands Acts (Ireland), and to afford further "facilities for the purposes thereof:" 28 & 29 Vict. c. 52.

And whereas by the thirty-sixth section of the first of the said Acts it was provided that the Commissioners of Public Works in Ireland might make advances of public monies for the purpose of aiding in the completion of the drainage or improvement of works in any district; and by the thirty-eighth section of the same Act it was provided that no issue or instalment of any such loan or advance should be made unless the said commissioners should be satisfied that the drainage board had previously bonâ fide expended a sum of money equal to the amount of such issue or instalment in the drainage or improvement of such district, nor in any case should any such loan or advance be made exceeding one moiety of the monies proposed to be expended on the drainage and improvement of such district:

And by the thirty-ninth and the six next following sections of the said Act provision is made for the making by the same commissioners of a certain award therein called "the apportionment of

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expenses award," and for giving effect to the terms of such award:

And by the forty-sixth and five next following sections of the same Act provision is made for the making by the same commissioners of a certain other award to be called "the repayment of public advances award," and for giving effect to the terms of such last-mentioned award, and for the purpose of securing the repayment of any advances of public monies made in the manner so herein above referred to; and it is thereby provided that the said last-mentioned award shall specify the principal monies so advanced by the said commissioners, with interest thereon at the rate of four pounds per centum per annum, from the respective dates of such advances to the date of such award, and that such consolidated sum of principal and interest should be thereby apportioned amongst the respective proprietors in such districts, and on their lands respectively, and that the several lands mentioned in any such award should from the date thereof be charged with the payment to Her Majesty of an annual rentcharge of six pounds ten shillings for every one hundred pounds charged on such lands, to be payable for the term of twenty-two years, to be computed from the fifth day of April or tenth day of October, which should next happen after the date of such award, to be paid by equal half-yearly payments on the said fifth day of April and tenth day of October in every year, the first of such payments to be made on the second of such days which should happen after the date of such award:

And whereas by the "Drainage and Improvement of Lands Amendment Act (Ireland), 1865," aforesaid, so much of the said thirty-eighth section of the said first-recited Act as limited or restricted the amount of public monies to be advanced as aforesaid was repealed, and the said Commissioners of Public Works were thereby empowered (with the sanction of the Commissioners of Her Majesty's Treasury), by such instalments, and subject to such rules and regulations as the said last-mentioned commissioners might think proper, to advance any sum or sums of money which the said Commissioners of Public Works might think necessary and proper for execution of the works in any district, and for defraying the expenses which the said commissioners might consider properly connected therewith; provided that no second or subsequent instalment of any such loan should be made until it should have been proved to the satisfaction of the said Commissioners of Public Works that the preceding instalment had been properly expended in the execution of the works in such district:

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And whereas in certain cases in which districts have been constituted, and have been drained and improved under the provisions of the said Acts, the whole of the monies expended on such drainage and improvement of works have consisted of public monies advanced by the said Commissioners of Public Works under the provisions of the same Acts, and it is anticipated that in other instances in which works for the drainage and improvement of other districts may be hereafter carried on in pursuance of the provisions of the same Acts the whole of the monies required for such works may in like manner be advanced by the said commissioners:

And whereas it would be more convenient if, in all cases where the monies so expended on drainage or improvement of any district have consisted or shall consist of public monies, one award only shall be made, in which should be combined the several particulars required to be specified in the said two awards respectively as aforesaid:

And whereas in order to prevent the accumulation of interest chargeable in respect of the public advances aforesaid, it is expedient to alter and amend the provisions aforesaid, with respect to the period up to which interest on such public advances is directed to be calculated, and from which such rentcharge is directed to commence, in the manner herein-after contained:

And whereas by the seventy-second and the three next following sections of the same Act provision is made in certain cases for taking down, altering, removing, and rebuilding any existing bridge, culvert, or archway, for the discharge of water under any public road, and for certain other works in relation thereto:

And it is by the said section seventy-three provided that it shall be lawful for the said Commissioners of Public Works in Ireland to issue a certificate under their seal declaring the amount which the county within which such works shall be situate ought to contribute towards the expenses so incurred by the drainage board therein mentioned, and that such certificate shall be laid before the grand jury of the said county at the assizes next after the issuing of the same, and the grand jury of the said county is thereby authorized and required without any application to presentment sessions to present the amount mentioned in such certificate to be levied off the county at large, by such sums and at such times as shall be mentioned in such certificate, and to be paid to the said drainage board, and the same provision is also thereby made applicable where any such new bridge, culvert, or archway shall be over any stream or river

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forming a boundary between two counties, and provision is also made for levying such sums by order of the court, in case any grand jury should refuse to make any such presentment:

And it would be more equitable in some cases if such expenses so incurred as aforesaid were charged upon a particular barony or particular baronies or half baronies of a county or counties, and not upon such county or counties at large; and it is expedient to make provision accordingly, and it would be more convenient if the monies to be paid by any county or counties, barony or baronies, half barony or half baronies as aforesaid, should in all cases when as aforesaid the whole or any part of the monies required for such works shall have been or shall hereafter be advanced out of the public monies, be paid to the said Commissioners of Public Works in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Drainage and "Improvement of Lands Amendment Act, Ireland, 1869."

Where advances made by Commissioners of Public Works to district drainage boards, the said commissioners may make an award, setting forth land drained, money expended, &c.

2. In case any such loan or advance shall have been or shall be made to any drainage board of any district by the Commissioners of Public Works as aforesaid, and the monies expended on the drainage and improvement of such district shall have consisted or shall consist entirely of public monies so lent or advanced, then and in such case it shall be lawful for the said commissioners if they in their discretion shall think fit, on the completion of the works in the district within the period mentioned in the order of the commissioners, or within such further period as the commissioners may have appointed for the completion of the said works, or in case the works in any district shall not be completed within either of the periods aforesaid, then at such time as the commissioners shall think proper, to make an award, which shall describe in general terms, and by reference to maps and schedules, or otherwise as the commissioners shall think proper, the land or river drained or improved, and the works which shall have been completed, or so far as the same shall have been completed, and such award shall also specify the several quantities belonging to the reputed proprietors respectively of such land so drained or improved as aforesaid, and the original value, and the increase of the value of the land so drained or improved; and such award shall also

specify the amount of the sums which shall have been expended upon and about the works which shall have been so executed for drainage or improvements by drainage, and which shall have been so advanced by the commissioners, and all other expenses incurred by the said commissioners about the same and interest on the same at the rate of four pounds per cent. per annum from the date of such advance or of such expenditure as aforesaid, up to and including the next preceding fifth day of April or tenth day of October, whichever of said gale days shall have happened next before the date of the said award, and such consolidated sum of principal and interest shall by such award be apportioned amongst the respective proprietors in such district and on their lands respectively, and such award shall specify the respective amounts of the gross sums of money and the rentcharges payable in respect of such loan, interest, and expenses as aforesaid, which shall be charged upon the said several parcels or portions of land as aforesaid, regard being had to the degree of benefit conferred or expected to be conferred upon the said several lands by the said several works within the said district. And the said commissioners may insert in every such award all such other determinations, matters, and things as they shall think necessary and proper, and the said commissioners shall also specify in every such award the proportions in which the land drained and improved as aforesaid; and the proprietors of such lands in respect thereof respectively for the time being shall in future be annually charged towards the costs and expenses which may from time to time be incurred in or about the maintaining, cleansing, and keeping in repair the several watercourses, sluices, drains, ditches, cuts, rivers, lakes, streams, tunnels, culverts, banks, bridges, outlets, weirs, embankments, fences, and other works executed under this Act, and shall also specify, according to such proportions as aforesaid, the rate which shall be payable towards such costs and expenses as last aforesaid, for the year next ensuing the date of such award, and the like proceedings in all respects shall be had with regard to the said award as are directed of and concerning the award to be made under the first recited Act, and called "the "district apportionment of expenses award."

Style of award.

3. The award so made shall and may be called "the "district apportionment of expenses, and repayment of public "advances consolidated award."

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Such lands to be charged with annual rentcharge to Her Majesty.

4. The several lands mentioned in any such award (as last aforesaid) shall, from the date of such award, become charged with the payment to Her Majesty of an annual rentcharge of six pounds ten shillings for every one hundred pounds charged on the said lands respectively, and so in proportion for any lesser amount, to be payable for the term of twenty-two years, to be computed from the fifth day of April or tenth day of October, whichever shall next precede the making of such award, such rentcharge to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year, the first of such payments to be made on the first of such days which shall happen after the date of such award: Provided always, that where the gross sum chargeable upon any particular parcel or denomination of lands in respect of any such advance of public monies shall not exceed the sum of one hundred pounds, it shall be lawful for the Commissioners of Public Works by their said award to fix and determine the instalments by which such sum, together with interest at the rate of four pounds per centum per annum from the date of such award, shall be repaid, and such instalments shall be charged and recovered in like manner as the rentcharge aforesaid.

All provisions as to rentcharges in recited Acts to apply to rentcharges under this Act.

5. All the provisions in the said several Acts contained or referred to respecting the rentcharges therein mentioned and payable to the said commissioners, and the securing, charging, paying, recovery, and priority of the same, shall be applicable to the rentcharges mentioned in the award so to be made by virtue of the provisions of this Act.

Commissioners to settle contributions in respect of proceedings under ss. 73, 74, and 75 of 28 & 29 Vict. c. 52.

6. The said commissioners in all proceedings under the said seventy-third, seventy-fourth, and seventy-fifth sections of the said "Drainage and Improvement of Lands Act (Ireland), 1863," may, if they shall so think fit, declare by their certificate that the amount of the expenses of works mentioned therein and to be paid by any county or in equal moieties by any two counties shall be paid either by such county at large or in equal moieties by such counties at large respectively, or that the amount to be paid by such county or each of such counties as aforesaid shall be contributed by any barony or baronies, half barony or half baronies within the same in such proportions as the commissioners may think fit, having regard to the benefits which in their judgment are likely to be derived by such barony or baronies, half barony or half baronies respectively by reason of the execution of the said works,

and the amount mentioned in any such certificate shall be presented by such grand jury or grand juries as the case may be, to be levied off such county or counties, baronies or half baronies, according to the tenor of such certificate, and in case any grand jury of any county shall fail or refuse to present the sum mentioned in any such certificate according to the effect thereof, the court shall make an order directing the treasurer of such county to insert such sum in his warrant, to be levied off such county, or barony or baronies, half barony or half baronies thereof, as the case may be, and as if the same had been duly presented by such grand jury, and the same shall be levied accordingly.

Treasurers to pay amounts certified by commissioners.

7. In all cases in which the certificate of the said commissioners shall so direct, the amounts so levied as aforesaid shall be paid by the treasurer or treasurers of such county or counties to the said commissioners.

Provision as to damage caused to banks of drains by cattle.

8. From and after the passing of this Act, in all cases where the banks of any drain or river made, opened, or widened, deepened, or improved under the provisions of the aforesaid Acts of Parliament or of an Act passed in the session held in the fifth and sixth years of Her Majesty, chapter eighty-nine, and the Acts amending the same, shall be broken down or damaged by cattle grazing or being upon any lands abutting upon any such drain or river as aforesaid, by reason whereof such drain or river shall be dammed up or obstructed, the person or persons occupying the lands at the time of such damage shall be deemed to have committed an offence within the meaning of the twenty-third section of the "Drainage Maintenance Act, 1866."

Definition of term "court."

9. The court in the said firstly recited Act and this Act shall mean the court before which presentment traverses are tried at assizes.

Acts to be construed together.

10. This Act and the said several herein recited Acts shall be read together and construed as one Act.

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CHAP. 73.

An Act to alter and amend "The Telegraph Act, 1868."

[9th August 1869.] A.D. 1869.

WHEREAS by "The Telegraph Act, 1868," Her Majesty's Postmaster General is empowered to purchase, in the manner therein mentioned, the whole or any part of the undertaking of any telegraph or other company authorized to transmit telegraphic messages in the United Kingdom, except the undertakings of the Atlantic Telegraph Company and the Anglo-American Telegraph Company (Limited): 31 & 32 Vict. c. 110.

And whereas the Postmaster General is required by the said Act to make one uniform charge for the transmission of telegraphic messages throughout the United Kingdom:

And whereas by the said Act it is provided that in case no Act be passed in that or the next session of Parliament, putting at the disposal of the Postmaster General such monies as may be requisite for carrying into effect the objects and purposes of the said Act, the provisions contained therein or in the agreements thereby confirmed relating to the arrangements with railway and telegraph companies, and all proceedings thereunder, should become void; and the Postmaster General is required in that event to pay to the several companies therein mentioned all reasonable costs and expenses incurred by them in relation to any proceedings under the said Act:

And whereas, in order to protect the public revenue, it is expedient that similar powers to those conferred upon the Postmaster General with respect to the exclusive privilege of conveying letters should be enacted with reference to the transmission of public telegraphic messages within the United Kingdom of Great Britain and Ireland; and that the said Act should be amended in other respects:

And whereas agreements have been entered into by or on behalf of the said Postmaster General for the acquisition of the under-

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takings of the several telegraph companies enumerated in the schedule to this Act, on payment to such companies respectively of the amounts set forth in such schedule, amounting in the whole to the sum of five millions seven hundred and fifteen thousand and forty-eight pounds eight shillings and eleven pence:

And whereas in further pursuance of the said Telegraph Act, 1868, the Postmaster General has entered into arrangements with divers railway companies, and negotiations are now pending between him and other railway companies as to their interest in telegraphic business, and it is estimated that the amount which will be required for the purchase by the Postmaster General on behalf of Her Majesty of the interest of such railway companies in telegraphic business will not exceed the sum of seven hundred thousand pounds:

And whereas it is estimated that the amount which will be required for the other purposes of the said recited Act and of this Act will not exceed the sum of three hundred thousand pounds:

And whereas it is necessary to give authority to the Commissioners of Her Majesty's Treasury to raise the funds which will be required to enable the Postmaster General to carry into effect the arrangements herein-before mentioned and the other purposes of the recited Act and of this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Telegraph Act, 1869," and this Act and "The Telegraph Act, 1868," may be cited together as "The Telegraph Acts, 1868–1869."

31 & 32 Vict. c. 110. and this Act to form one.

2. The provisions of "The Telegraph Act, 1868," save so far as they are expressly repealed or varied by or inconsistent with the provisions of this Act, shall be incorporated and construed as one with this Act.

Interpretation of terms.

3. The following terms shall in this Act have the meanings herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

The term "telegraph" shall, in addition to the meaning assigned to it in "The Telegraph Act, 1863," mean and include any apparatus for transmitting messages or other communications by means of electric signals:

The term "telegram" shall mean any message or other communication transmitted or intended for transmission by a telegraph:

The term "telegraph company" shall mean any company, corporation, or persons for the time being engaged in transmitting or, by any instrument incorporating the same, authorized to transmit telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration:

The term "undertaking," when used with reference to a telegraph company, shall mean all the rights, powers, privileges, works, and other property of such company acquired or used for the transmission of telegrams within the United Kingdom of Great Britain and Ireland, for money or other consideration.

The Postmaster General to have exclusive privilege of sending messages, with certain exceptions.

4. The Postmaster General, by himself or by his deputies, and his and their respective servants and agents, shall, from and after the passing of this Act, have the exclusive privilege of transmitting telegrams within the United Kingdom of Great Britain and Ireland, except as herein-after provided; and shall also within that kingdom have the exclusive privilege of performing all the incidental services of receiving, collecting, or delivering telegrams, except as herein-after provided.

Exceptions.

5. There shall be excepted from the said exclusive privileges of the Postmaster General all telegrams of the following descriptions; (that is to say,)

Telegrams in respect of the transmission of which no charge is made, transmitted by a telegraph maintained or used solely for private use, and relating to the business or private affairs of the owner thereof:

Telegrams transmitted by a telegraph maintained for the private use of a corporation, company, or person, and in respect of which, or of the collection, receipt, and transmission or delivery of which no money or valuable consideration shall be or promised to be made or given:

Telegrams transmitted, with the written licence or consent, either special or general, of the Postmaster General, under the hand of any officer of the Post Office, authorized for that purpose by the Postmaster General:

Telegrams transmitted by a telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, the undertaking of which shall not for the time being have been acquired by the Postmaster General:

Telegrams the transmission of which is authorized by the provisions of "The Telegraph Act, 1868," or any agreement confirmed thereby, or made or to be made in pursuance thereof:

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Telegrams transmitted to or from any place out of the United Kingdom of Great Britain and Ireland.

Penalty on contravention of Act.

6. Any company, corporation, or person who transmits, or aids or is concerned in transmitting, any telegram in contravention of the exclusive privilege conferred on the Postmaster General by this Act, or who receives, collects, or delivers any telegram in contravention of such exclusive privilege, or aids or is concerned in the receipt, collection, or delivery of such telegram in contravention of such privilege, shall, on summary conviction, be liable for every such offence to a penalty not exceeding five pounds; and where any person offending against this Act is a servant or person hired to do the act complained of, the master or other person employing such servant shall be subject to a like penalty.

Purchase of undertakings other than those referred to in the Act of 1868.

7. At any time after the passing of this Act it shall be lawful for the Postmaster General, with the consent of the Lords Commissioners of Her Majesty's Treasury, to purchase the undertaking of any telegraph company which he shall not for the time being have agreed to purchase or been required to purchase under the provisions of "The Telegraph Act, 1868," and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking, and to give valid discharges for the purchase money in pursuance of such notice: Provided always, that any part of such undertaking may be excepted from such purchase if the Postmaster-General and the company shall so agree.

Certain companies may require the Postmaster General to purchase their undertakings.

8. The Postmaster General shall, upon the request in writing of any telegraph company existing on the twenty-second day of July one thousand eight hundred and sixty-nine, purchase the whole or any part of the undertaking of such company, provided such request be made within twelve months after the passing of this Act; and he shall accordingly, within one month after the receipt by him of any such request, give notice in writing of his intention to make such purchase; and it shall be lawful for such telegraph company, and they are hereby required, to sell, convey, and assure their undertaking accordingly, and to give valid discharges for the purchase money.

Postmaster General not required to purchase undertakings without the United Kingdom.

9. Provided always, that the Postmaster General shall not by virtue of this Act be authorized or required to purchase the whole or any part of the undertaking of any company or persons engaged in the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland.

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Incorporation of "Lands Clauses Consolidation Act, 1845."

10. For the purpose of facilitating the acquisition by the Postmaster General of the undertaking of any company which he is authorized to purchase under this Act or "The Telegraph Act, 1868," "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (Scotland) Act, 1845," and the Act amending those Acts, passed in the session of the twenty-third and twenty-fourth years of Her present Majesty, chapter one hundred and six, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained; (that is to say,)

(1.) There shall not be incorporated with this Act the sections and provisions of "The Lands Clauses Consolidation Acts, 1845," herein-after mentioned, that is to say, the sections whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; the sections whereby it is provided that the certificate of two justices or the sheriff, as the case may be, shall be evidence that the capital has been subscribed or the provisions relating to access to the special Act.

(2.) In the construction of this Act and the said incorporated Acts, this Act shall be deemed to be "the special Act," and the Postmaster General shall be deemed to be "the promoters of the undertaking," and the word "lands" shall include the whole or any portion of "the undertaking" of any company whose undertaking the Postmaster General is authorized to purchase under the Telegraph Acts or either of them, and any such undertaking shall, in the construction of this Act and the said incorporated Acts, be deemed to be lands authorized to be taken and required for the purposes of the special Act.

(3.) The bond required by the incorporated Acts respectively shall be under the common seal of the Postmaster General, and shall be sufficient without the addition of the sureties in the said Acts mentioned.

And any telegraph company with which the Postmaster General may not come to an agreement with respect to the amount of compensation to be paid to them for their undertaking (unless the contrary shall be expressly declared by "The Telegraph Act, 1868," or any agreement confirmed thereby) may have such amount settled by arbitration in manner provided by "The Lands Clauses Consolidation Acts, 1845."

Purchase money to be paid into the

11. In every case in which any telegraph company shall neglect or fail to assure, or to procure all other necessary and proper parties

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bank in certain events.

to concur in assuring, to the Postmaster General, free from all mortgage and other debts, any undertaking which shall have been purchased by him under the provisions of the Telegraph Acts or either of them, it shall be lawful for the Postmaster General to deposit the purchase money which shall have been agreed or awarded to be paid in respect of such undertaking in the bank to the credit of such company and the incumbrancers thereof, if any, in manner provided by the seventy-sixth section of "The Lands Clauses Consolidation Act, 1845," or the seventy-fifth section of "The Lands Clauses Consolidation (Scotland) Act, 1845," as the case may be, with respect to monies deposited under those sections respectively, and thereupon such undertaking shall absolutely vest in the Postmaster General, free from all mortgage or other debts of such company; and the monies so deposited shall be dealt with in manner provided by the said incorporated Acts respectively with respect to monies deposited in pursuance of the seventy-fifth or seventy-sixth sections of those Acts respectively.

Power to Postmaster General to transmit foreign messages.

12. The Postmaster General may, upon the reasonable request in writing of any company or persons constituted for the transmission of telegrams to or from any place out of the United Kingdom of Great Britain and Ireland, make all necessary arrangements for the transmission of such telegrams within the said United Kingdom, and for the connexion with that view of the cables or other apparatus of such companies or persons with the wires or other apparatus of the Postmaster General; and if any question arises as to the reasonableness of such request, or as to the nature or sufficiency of such arrangements, or as to the payments to be made by the company or person requiring the same, in respect of the acts done or services performed by the Postmaster General with respect to the matters aforesaid, every such question shall from time to time be settled by arbitration in the manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration: Provided that the Postmaster General may contract with any such company or person with respect to any of the matters aforesaid, and with respect to the construction or use of wires and other telegraphic apparatus in connexion with those of the Postmaster General for the purpose of the transmission of such telegrams, and provided also that the powers by this section given to the Postmaster General shall not be exercised in contravention of any of the agreements referred to in the schedule to the Telegraph Act, 1868, and thereby confirmed so far as any such agreement is for the time being in force.

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Power to raise money.

13. The Commissioners of Her Majesty's Treasury may raise for the purposes of the Telegraph Acts, 1868–1869, any sum or sums of money, not exceeding in the whole seven million pounds sterling, by the creation of terminable annuities for any period of years not exceeding thirty, or by the creation of Exchequer bills or Exchequer bonds, or of three pounds per centum per annum capital stocks of annuities, or by all or any of these modes: and the interest upon such securities shall be chargeable upon and payable out of the Consolidated Fund or the growing produce thereof.

Monies to be placed at the disposal of the Postmaster General under regulations.

14. The amount so raised, or the stock so created, shall be placed to an account at the Bank of England in the names of the Commissioners for the Reduction of the National Debt, and shall be appropriated by the said commissioners in such manner and transferred to such parties as shall be directed by the Postmaster General for the purposes of the Telegraph Acts, under such regulations as shall be prescribed by the Commissioners of Her Majesty's Treasury.

Creation of terminable annuities.

15. The said stock and the said terminable annuities shall be created by warrant under the hands of the Commissioners of Her Majesty's Treasury, directed to the Governor and Company of the Bank of England, authorizing and directing them to inscribe in the books of the said Governor and Company the amount of such three per cent. stock and of such terminable annuities into the names of the Commissioners for the Reduction of the National Debt, and such warrant shall be a sufficient authority to the said Governor and Company for so doing, and such annuities, if made terminable on the fifth day of April one thousand eight hundred and eighty-five, shall be consolidated with the terminable annuities created under the authority of the Act thirty and thirty-one Victoria, chapter one hundred and forty-five, and preceding Acts, and be transferable in like manner as other terminable annuities in the books of the Governor and Company of the Bank of England.

Exchequer bills and bonds.

16. The said Exchequer bills and Exchequer bonds shall be prepared in the form and manner prescribed by the Act twenty-nine Victoria, chapter twenty-five, and shall be paid off at par at any period not exceeding five years.

Capital stocks created under this Act to be consolidated with other

17. The three pounds per centum per annum capital stocks of annuities, if created under the authority of this Act, shall be consolidated in the books of the Governor and Company of the Bank of England with the capital stocks of annuities, bearing the like rate of interest, the interest upon which is payable upon the fifth January

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capital stocks.

and fifth July in each year, and shall be transferable in the books of the said Governor and Company in like manner as the capital stocks of annuities with which they are consolidated, and shall have the like rights and be subject to the like conditions as the said annuities with which they are consolidated.

Treasury empowered to raise 7,000,000*l.*

18. It shall be lawful for the Governor and Company of the Bank of England to lend upon the credit of the securities created under this Act any sum or sums of money, not exceeding in the whole seven million pounds sterling, anything in an Act of the reign of King William and Queen Mary, chapter twenty, or any subsequent Act, to the contrary notwithstanding.

Application of revenue.

19. The gross revenue received by the Postmaster General for the transmission of messages by means of electric telegraphs shall be paid into the Exchequer to the account of the Consolidated Fund; and the expenses incurred, with the sanction of the Commissioners of Her Majesty's Treasury, in working, maintaining, or extending telegraphs shall be paid out of monies to be voted by Parliament.

Annual accounts to be laid before Parliament.

20. There shall be laid before both Houses of Parliament on or before the thirty-first day of March in every year an account showing the gross amount received during the previous year ending the thirty-first day of December, the amount of expenses incurred during the year, and the balance remaining applicable to pay the annuities, or the interest falling due upon the securities issued under the authority of this Act, and as a sinking fund for the redemption of such securities; and the surplus remaining after deducting the amount of such expenses and of such annuities and interest shall be issued out of the Consolidated Fund, or the growing produce thereof, to the Commissioners for the Reduction of the National Debt, to be applied in reduction of debt to an amount equivalent to that created by the annuities or securities issued under the provisions of this Act.

Regulations to be laid before Parliament.

21. A copy of all regulations which may be made by the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, under the said Telegraph Acts, shall also be laid before both Houses of Parliament.

Deeds to be exempt from stamp duty.

22. No deed or other instrument which shall be made or executed by, to, or with Her Majesty's Postmaster General, or otherwise, for any of the purposes of "The Telegraph Act, 1868," or of this Act, shall be subject or liable to any stamp duty imposed by any Act now in force, nor to any stamp duty to be imposed by any future Act, unless such instruments be specially subjected and

specifically charged therewith by any future Act, and the fifth section of "The Telegraph Act, 1868," shall be read and shall operate as if the words "duly stamped" had not been inserted therein. A.D. 1869.

Messages to be deemed post letters.

23. Every written or printed message or communication delivered at a post office for the purpose of being transmitted by a postal telegraph, and every transcript thereof made by any person acting in pursuance of the orders of the Postmaster General, shall be a post letter within the meaning of an Act passed in the first year of the reign of Her present Majesty, chapter thirty-six: Provided always, that nothing in this Act contained shall have the effect of relieving any officer of the Post Office from any liability which would but for the passing of this Act have attached to a telegraph company, or to any other company or person, to produce in any court of law, when duly required so to do, any such written or printed message or communication.

The provisions of Telegraph Acts to be "Post Office Laws."

24. "The Telegraph Act, 1868," and this Act shall be "Post Office Acts," and the provisions contained therein respectively shall be "Post Office Laws," within the meaning of the said Act passed in the first year of the reign of Her present Majesty, chapter thirty-six.

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The SCHEDULE to which the foregoing Act refers.

Names of Telegraph Companies with whom arrangements have been made pursuant to the Telegraph Acts.	Amounts payable to Telegraph Companies under the Telegraph Acts.		
	£	s.	d.
The Electric and International Telegraph Company	2,938,826	9	0
The British and Irish Magnetic Telegraph Company, Limited	1,243,536	0	0
Reuter's Telegram Company, Limited	726,000	0	0
The United Kingdom Electric Telegraph Company, Limited	562,264	9	11
The Universal Private Telegraph Company	184,421	10	0
The London and Provincial Telegraph Company, Limited	60,000	0	0
	5,715,048	8	11

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 74.

An Act to extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public trusts. [9th August 1869.] A.D. 1869.

WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, intituled "An Act "for the extension and promotion of public works in Ireland," section twenty-three, it is enacted, that it should be lawful for any grand jury of a county, county of a city, or county of a town, at any assizes, or if in the county of Dublin or county of the city of Dublin, in any presenting term, to present any sum or sums of money for the purpose of any public work which it was by the laws then in force competent for them to present in order to obtain advances from the Commissioners (being the Commissioners of Public Works in Ireland) for the execution of that Act, and to set forth in such presentment that such sum or sums of money should be raised and levied by half-yearly instalments of not less than ten pounds per centum per annum of the whole sum to be expended, and likewise to present a sum sufficient to pay the annual interest of such sum or sums to be so expended, and from time to time remaining due, at such rate not exceeding five pounds per centum as might be directed by said Commissioners, and likewise to include in such presentment a sufficient sum to defray the expenses attendant on making application to the said Commissioners for execution of that Act, and in the same section are contained certain enactments relating to the assessment, levying, and raising the sums so to be presented in manner therein expressed: 1 & 2 W. 4. c. 33.

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And whereas it has been deemed expedient to enable the said Commissioners of Public Works in Ireland to enlarge the period for repayment of advances of the nature provided for in and by the said Act, whenever they shall think fit so to do, in the manner herein-after provided:

And whereas it has been usual that lands in Ireland required for various departments of the public service should be and the same have been taken by the Commissioners of Public Works in Ireland either by way of grant in fee simple or by demise for some less estate, and it has been customary by such grants or demises to vest such lands in the secretary for the time being of the said Commissioners, his heirs, executors, administrators, or assigns, which is found inconvenient, and, therefore it is expedient to remedy such inconvenience in the manner herein-after expressed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Whenever grand juries desire that repayment of advances from Public Works Commissioners should be delayed, a memorial to be submitted to Commissioners of Public Works.

1. That whenever any grand jury shall have obtained or shall obtain from the Commissioners of Public Works in Ireland any advance of public monies for the purpose of any public works, and shall desire that the time for repayment of that advance shall be enlarged beyond the period by the said Act provided, the secretary of such grand jury shall cause a memorial to be submitted to the said Commissioners of Public Works, setting forth the nature and particulars of such work, and the estimated expenses thereof, and the circumstances of the case, and requesting that any advance made by the said Commissioners for the purposes of the same may be repaid by half-yearly instalments of not less than five pounds per centum per annum of the money to be advanced, and thereupon, and upon such further inquiry as the said Commissioners may desire to be made, it shall and may be lawful to and for the said Commissioners of Public Works, by writing under the hand of their secretary for the time being, with the sanction of the Lords Commissioners of Her Majesty's Treasury, to certify at what rate, not being less than five pounds per centum, the several instalments in respect of such advances shall be presented, and the rate of interest to be paid therefor, and also the amount of the expenses which may have been incurred by the said Commissioners in the inquiry aforesaid, and thereupon it shall and may be lawful to and for any grand jury of a county, county of a city, or county of a town, at any

assizes, or if in the county of Dublin, in any presenting term, in making any presentment under and by virtue of the aforesaid provisions of the said Act, as amended by this Act, to set forth in such presentment that the sum or sums of money to be advanced by the said Commissioners shall be raised and levied by such instalments as shall have been so certified by the said Commissioners in manner as aforesaid, and likewise to include in such presentment, in addition to all sums mentioned in the said Act in that behalf, a sufficient sum to defray the expenses attendant on any such inquiry so made at the desire of the said Commissioners, and this section of this Act shall be incorporated and read together with the said twenty-third section of the said in part herein-before recited Act.

Commissioners of Public Works in Ireland constituted a corporation, with power to hold lands.

2. For the purposes of this Act, and of taking, acquiring, and holding any lands in Ireland required for any department of the public service or for any public purpose, the Commissioners of Public Works in Ireland for the time being are hereby constituted a corporation, with perpetual succession and a common seal, and with power to hold lands of any tenure.

Lands to be held by Commissioners as a corporation.

3. From and after the passing of this Act all such lands so required and taken by the said Commissioners, or required to be transferred to or vested in their secretary by the provisions of any Act of the present or any former session of Parliament, shall be granted to and held by the said Commissioners as such corporation and not otherwise.

Lands previously vested in secretary to be now vested in Commissioners.

4. Immediately upon the passing of this Act all lands in Ireland vested in the present or any former secretary of the said Commissioners, or in the heirs, executors, or administrators of any such former secretary, or their or his assigns, and held by him or them in trust for any such public department, or on any public trust, or for the use and benefit of the Crown, shall, without any conveyance or assignment thereof, be vested in the said Commissioners as such corporation as aforesaid, to be held to such and the same uses and upon such trusts and purposes to and upon which the same were held respectively previously to the passing of this Act.

Commissioners entitled to benefit of all covenants, &c.

5. From and after the passing of this Act the said Commissioners so incorporated as aforesaid shall be entitled to the benefit of all covenants, conditions, or agreements in relation to the lands so transferred, express or implied, and on the part of the grantors or lessors of the same respectively to be performed, and to maintain all actions, suits, and other proceedings grounded upon such

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covenants or agreements in their own name as such corporation as aforesaid; and the said Commissioners as such corporation shall in like manner be liable to all payments, reservations, covenants, conditions, and agreements, express or implied, in respect of the same lands respectively, and on the part of the grantees or lessees of the said lands respectively, to be paid, observed, or performed; and the secretary for the time being, and every former secretary of the said Commissioners, and the heirs, executors, administrators, or assigns of every such former secretary, shall immediately upon the passing of this Act (and save as herein-after mentioned) be discharged from all liability which may in any way have attached to him, them, or any of them by reason of the said lands being or having been vested in any such secretary as aforesaid; provided always, that nothing herein contained shall affect any action at law, suit in equity, or other proceeding which may have been commenced before the passing of this Act, but the same shall and may proceed, and with the like consequences and results, as if this Act had not been passed.

Interpretation of terms.

6. The word "lands" or "land" in this Act shall be deemed to mean and include all hereditaments, corporeal and incorporeal, and whether held in fee simple, fee farm, or for a life or lives, or for lives and years concurrent, or for years only, and all rights, members, and appurtenances appertaining to such lands, or usually held or enjoyed therewith; and the words "grand jury" shall, as regards any borough of which the council is authorized by law to make presentments, be held to include such council.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 75.

An Act to regulate and extend the Jurisdiction of Her Majesty's Consul at Zanzibar in regard to vessels captured on suspicion of being engaged in the Slave Trade, and for other purposes relating thereto. [9th August 1869.] A.D. 1869.

WHEREAS by the Foreign Jurisdiction Act, 1843, it was amongst other things enacted "that it is and shall be lawful "for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath or may at any time hereafter "have within any country or place out of Her Majesty's dominions, "in the same and as ample a manner as if Her Majesty had "acquired such power or jurisdiction by the cession or conquest of "territory:" 6 & 7 Vict. c. 94.

And whereas by various treaties which have from time to time been made between Her Majesty and the Sultan of Zanzibar, Her Majesty is empowered to exercise jurisdiction within the dominions of the Sultan of Zanzibar in regard to vessels captured on suspicion of being engaged in the slave trade:

And whereas by an Order of Her Majesty in council dated the ninth day of August one thousand eight hundred and sixty-six, it was amongst other things ordered that Her Majesty's Consul within the dominions of the Sultan of Zanzibar, should, for and within the said dominions, and for vessels and persons coming within those dominions, and in regard to vessels captured on suspicion of being engaged in the slave trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad:

And whereas it is expedient to confirm and extend the jurisdiction conferred by the said Order in council upon Her Majesty's Consul at Zanzibar, and to regulate the exercise thereof, and to provide for the payment of bounties in respect of vessels condemned by Her Majesty's Consul at Zanzibar:

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Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as The Slave Trade Jurisdiction (Zanzibar) Act, 1869.

Jurisdiction of Her Majesty's consul at Zanzibar in slave trade cases.

2. Her Majesty's Consul at Zanzibar for the time being shall have, and shall be deemed to have always since the commencement of the said Order in council had, all such jurisdiction as ordinarily belongs to Vice-Admiralty Courts in Her Majesty's possessions abroad in regard to vessels captured on suspicion of being engaged in or equipped for the slave trade, in the following cases:

(1.) Where a Zanzibar vessel shall have been captured in pursuance of any treaty with the Sultan of Zanzibar, either within or beyond the dominions of Zanzibar:

(2.) Where the vessel captured shall not be entitled to claim the protection of the flag of any state or nation.

Provisions of other Acts extended to cases adjudicated under this Act.

3. So far as relates to the matters enumerated in this section, all the provisions for the time being in force in regard to vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon in any Vice-Admiralty Court in Her Majesty's possessions abroad, shall apply, mutatis mutandis, to all vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon by Her Majesty's Consul at Zanzibar in pursuance of the said Order in council or of this Act; that is to say:

As to persons giving false evidence being deemed guilty of perjury:

As to maintaining and providing for captured slaves pending adjudication:

As to condemning slaves as forfeited to the Crown:

As to disposing of slaves after adjudication:

As to breaking up condemned vessels, unless purchased for Her Majesty's service:

As to granting the net proceeds to the captors:

As to rewarding the captors with bounties on the vessel as well as on the slaves:

As to authorizing the Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to order payment of one moiety of the bounty, where slaves may not have been condemned or delivered over in consequence of death, sickness, or other inevitable circumstance:

As to the mode of obtaining such bounties:

As to the mode of paying and distributing the same:

As to authorizing the High Court of Admiralty of England to determine doubtful claims to bounty, and any question of joint capture:

As to authorizing the Commissioners of Her Majesty's Treasury to order payment of costs awarded for vessels detained but not condemned, or to repay to the seizor of any vessel not condemned the expenses incurred by him on account of the seizure:

As to empowering Her Majesty by order in council to establish, and from time to time to repeal and alter, rules and tables of fees:

As to the right of appeal to Her Majesty in council.

This Act to apply to cases already adjudicated.

4. This Act shall apply to all cases of vessels captured on suspicion of being engaged in or equipped for the slave trade, and adjudicated upon by Her Majesty's Consul at Zanzibar, whether before or after the passing of this Act.

Not to repeal 11 & 12 Vict. c. 128.

5. Nothing in this Act shall be construed as repealing any of the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, intituled "An Act for carrying into "effect the Agreement between Her Majesty and the Imaum of "Muscat for the more effectual suppression of the slave trade."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 76.

An Act for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced. [9th August 1869.]

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Most Gracious Sovereign,

WHEREAS by divers Acts of Parliament and ultimately by an Act of the session of the thirtieth and thirty-first years of Your Majesty's reign, chapter one hundred and forty-five, a sum of five million nine hundred and fifty thousand pounds has been appropriated to the construction of the fortifications and works in the schedule to the said Act mentioned, the total estimate of the expense of which is stated in the said schedule to amount to seven million four hundred and seventy thousand pounds:

And whereas, with certain exceptions, the said works are in an advanced state of construction, and, omitting such exceptions, are specified in the schedule hereto, and it is estimated that they can be completed to such extent as is now contemplated at a further cost of one million five hundred and ten thousand pounds; that is to say, for the total estimated sum of seven millions four hundred and sixty thousand pounds:

Now we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having considered the premises, and being desirous to provide forthwith for the execution of the works specified in the schedule hereto, have cheerfully granted to Your Majesty the further sum of one million five hundred and ten thousand pounds, to be paid out of the Consolidated Fund, towards defraying the expenses incurred or to be incurred for those purposes, and we have resolved that a sum not exceeding the said sum of

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one million five hundred and ten thousand pounds be raised by such terminable annuities as herein-after mentioned:

Now we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The sum of 1,510,000*l.* to be issued out of the Consolidated Fund towards expenses after mentioned.

1. The Commissioners of Her Majesty's Treasury may from time to time issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, any sum or sums not exceeding in the whole the sum of one million five hundred and ten thousand pounds to be applied in manner herein-after mentioned to the purposes of this Act.

Repayment to Consolidated Fund.

2. To provide for the issues to be made out of the Consolidated Fund, or the growing produce thereof, as aforesaid, and to repay to the Consolidated Fund the monies so issued, there shall be raised a corresponding amount of terminable annuities, not exceeding the said sum of one million five hundred and ten thousand pounds; and such annuities shall be raised and dealt with in the same manner in which the sum of eight hundred thousand pounds is directed to be raised by like annuities by the said Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and forty-five; and all the sections of the said Act numbered respectively from three to twenty-two, both inclusive, except that the words "six hundred" in the eighteenth clause shall be read "fifteen hundred and ten," and the words "in the month of July in the year one thousand eight "hundred and sixty-eight" in the twentieth clause shall be read "on the thirty-first day of December one thousand eight hundred "and seventy," shall apply to the annuities to be raised under this Act, in the same manner as if such sections were herein repeated, and the sum of one million five hundred and ten thousand pounds were substituted therein for the sum of eight hundred thousand pounds.

Appropriation of the money so issued to the expenses of constructing fortifications.

3. No further steps shall be taken in the construction of the said excepted works without the authority of Parliament, and the said sum of one million five hundred and ten thousand pounds shall be applied by one of Her Majesty's Principal Secretaries of State, under the control of the Commissioners of the Treasury, in carrying out the works specified in the schedule hereto, and in purchasing any lands that may be required for the purposes of such

works; and in the application of such monies, regard shall be had to the sums estimated as the cost of each work in the said schedule, and no greater sum shall be applied to the cost of any one of such works than the estimated sum, except under a joint certificate of the Commissioners of the Treasury and the said Secretary of State, certifying that the excess so expended in any one work is compensated by a deficiency of cost in some other work, and that the total sum to be expended under this Act in carrying out the completion of the said works will not exceed the said sum of one million five hundred and ten thousand pounds. A.D. 1869.

SCHEDULE.

Station.	District.	Name of Work.	Total Estimate of Work to be charged to Loan.	Expended to 30th June 1869.	Amount already voted.	Amount proposed, 1869.
			£	£	£	£
Portsmouth -	Spithead and Sea Defences:					
	Outer Line -	Horse Sand Fort - -	424,694	398,437	408,000	648,768
		No Man's Land - -	462,500			
		Other Spithead Works -	169,574			
		Puckpool and St. Helen's Batteries.	141,799	79,896	77,000	64,799
	Inner Line -	Gilkicker Battery - -	61,395	54,581	45,000	16,395
		Southsea Castle - -	64,550	53,910	60,000	4,550
		Eastney Batteries - -				
		Lumps Battery - - -				
	Defences of Needles Passage.	Hurst Castle - - -	120,821	107,214	100,000	20,821
		Needles Battery - -	99,118	82,973	80,000	19,118
		Hatherwood - - -				
		Warden Point - -				
		Cliff End - - -				
		Golden Hill - - -				
	Isle of Wight: Coast Defences	Sandown Bay Defences -	141,436	134,718	145,600	—
		Military Road, South-west Coast - - -				
	Land Defences: Outer Line -	Fort Purbrook and Out-works	586,659	541,226	530,000	56,659
		Fort Widley - - -				
		Fort Southwick - -				
		Fort Nelson - - -				
		Fort Wallington - -				
		Fort Fareham - - -				
	Inner Line -	Hilsea Lines - -	315,744	297,413	313,000	2,744
		Fort Grange - - -				
		Fort Rowner - - -				
		Fort Brockhurst - -				
		Stokes Bay Lines - -				
Plymouth -	Harbour Defences: Outer Line -	Staddon Point Battery - -	58,264	51,693	55,000	3,264
		Breakwater Battery - -	167,062	120,437	145,000	22,062
		Picklecombe Battery -	80,876	76,563	80,000	876
		Cawsand Bay - - -	12,914	12,914	13,000	—
	Inner Line -	Mount Edgcumbe Battery -	48,368	41,604	47,000	1,368
		Drake's Island Battery -				
		Western King Battery -				
		Eastern King Battery - -				
	Land Defences: Antony -	Fort Tregantle - - -	260,000	245,278	260,000	—
		Fort Scraesdon - - -				
	Maker - -	Knatterbury - - -	14,626	14,626	15,000	—
		Whitesand Bay - - -				
	N.E. Division	North-eastern Defences -	530,828	498,437	467,000	63,828
	Staddon -	Staddon Fort - - -				
		Fort Stamford - -				
	Devonport -	Devonport Lines - - -	9,819	9,819	10,000	—

Station.	District.	Name of Work.	Total Estimate of Work to be charged to Loan.	Expended to 30th June 1869.	Amount already voted.	Amount proposed, 1869.
			£	£	£	£
Pembroke -	Milford Haven : Sea Defences -	Stack Rock Fort - -	218,660	203,611	222,000	—
		South Hook Battery - -				
		Hubberstone Battery - -				
		Popton Battery - -				
	Land Defences	Fort Scoveston (North of Milford Haven).	46,462	42,441	50,000	—
		Works to Southward of Milford Haven.	12,660	5,988	30,000	—
Portland -	Portland -	Verne Citadel and Batteries connected therewith.	138,196	122,335	122,000	16,196
		Nothe Fort - - -	365,442	170,035	220,000	145,442
		Breakwater Batteries - -				
Gravesend -	Thames -	Coalhouse Fort - - -	127,698	75,115	100,000	27,698
		Cliffe Fort - - -	105,727	39,440	90,000	15,727
		Shornmead - - -	90,576	32,600	80,000	10,576
		Slough Battery - - -	22,983	22,376	23,000	—
Medway and Sheerness.	Sea Defences -	Isle of Grain - - -	244,963	213,449	210,000	34,963
		Garrison Point - - -				
		Hoo Fort - - - -	140,036	98,857	104,000	36,036
		Darnet Fort - - -				
	Works in front of Mile Town.	Works in front of Mile Town	18,906	18,586	30,000	—
Dover -	Dover - -	Castle Hill Fort - -	291,333	284,391	280,000	11,333
		Dover Castle - - -				
		Western Heights - -				
Cork -	Cork - -	Spike Island Defences - -	15,546	6,294	9,000	6,546
		Carlisle Fort - - -	71,805	32,922	55,000	16,805
		Camden Fort - - -	70,927	37,908	50,000	20,927
			5,752,967	4,228,081	4,525,000	1,267,501
Providing and fixing iron shields - - - - -			340,000	2,912	150,000	190,000
Incidental expenses (works and experiments) - - -			190,000	162,362	160,000	30,000
Lands, including cost of surveys, surveyors charges, legal and other incidental expenses - - - - - -			1,102,033	1,096,571	1,115,000	—
Contingent fund to meet unforeseen expenses in closing loan - - -		£75,000	75,000	—	—	22,499
Less sums already sanctioned but not now required		52,501				
		22,499	—	—	—	—
		£	7,460,000	5,489,926	5,950,000	1,510,000

	£
Provided for by 23 & 24 Vict. c. 109. - - -	2,000,000
Provided for by 25 & 26 Vict. c. 78. - - -	1,200,000
Provided for by 26 & 27 Vict. c. 80. - - -	650,000
Provided for by 27 & 28 Vict. c. 109. - - -	650,000
Provided for by 28 & 29 Vict. c. 61. - - -	650,000
Provided for by 30 & 31 Vict. c. 145. - - -	800,000
Total of this enactment - - - - -	1,510,000
Total of the seven enactments - -	£ 7,460,000

LONDON: Printed by George Edward Eyre and William Spottiswoode
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CHAP. 77.

An Act for making better provision for the erection of a Lighthouse on the Great Basses Rock in the Colony of Ceylon, and for other purposes connected therewith. A.D. 1869.

[9th August 1869.]

WHEREAS by the Merchant Shipping Amendment Act, 1855, the Commissioners of Her Majesty's Treasury and the Public Works Loan Commissioners are authorized to advance sums of money for the purpose of constructing a lighthouse on or near the coasts of any British possession:

And whereas a considerable sum has been advanced by the Commissioners of Her Majesty's Treasury for the establishment of a lightship near the Little Basses Rock, off the coast of Ceylon, part of which has been repaid out of the dues received in respect of such lightship:

And whereas it is expedient to make further provision for the exercise of the said powers for the purpose of the construction of a lighthouse on the Great Basses Rock near the Little Basses Rock:

And whereas the Secretary of State in Council of India has agreed to guarantee one half of a loan for the purpose of such lighthouse:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Basses Lights Act, 1869." Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Merchant Shipping Amendment Act, 1855, in this Act referred to as "the principal Acts." Construction of Act.

3. For the purpose of constructing a lighthouse on the said Great Basses Rock, the Public Works Loan Commissioners are hereby required to advance, in pursuance of the principal Acts, out Loan by Public Works Loan Commissioners.

A.D. 1869.

of the moneys at their disposal which are applicable for advances under The Harbours and Passing Tolls, &c. Act, 1861, a sum or sums not exceeding in the whole seventy thousand pounds at interest at the rate of three and a quarter per cent. per annum, such sums to be repayable within a period not exceeding fifty years, and to be secured on the fund formed out of the dues mentioned in this Act.

Guarantee of loan.

4. The Commissioners of Her Majesty's Treasury are hereby authorized to guarantee jointly with the Secretary of State in Council of India the principal and interest of the advances made by the Public Works Loan Commissioners for the purpose aforesaid, not exceeding the sum of seventy thousand pounds.

The Commissioners of Her Majesty's Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund, such sums of money as may at any time be required to be paid to fulfil the guarantee in respect of one moiety of the said principal and interest.

Amount of dues.

5. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act until the dues to be paid in respect of the Great Basses Lighthouse and Little Basses Lightship have been fixed by Order in Council at such rate as they may think sufficient.

So long as such guarantee is in force, the said dues shall not be altered without the consent of the Commissioners of Her Majesty's Treasury and the Secretary of State in Council of India.

So long as any money is due to the Commissioners of Her Majesty's Treasury in respect of the sums advanced for the Little Basses Lightship the said dues shall not be altered without the consent of those Commissioners.

Accounts to be laid before Parliament.

6. The Commissioners of Her Majesty's Treasury and the Secretary of State in Council of India shall respectively cause to be prepared and laid before both Houses of Parliament an account of all sums issued and paid respectively for the purposes of the guarantee under this Act within three months after the same are so issued or paid, if Parliament be then sitting, or, if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

Application of dues of Great and Little Basses Lights.

7. The dues levied under the authority of the principal Acts in respect of the lighthouse on the Great Basses Rock, and in respect of the lightship near the Little Basses Rock, after deducting any expenses incurred in collecting the same, shall form one fund, which shall be applied for the purpose of paying the expenses incurred in

erecting and maintaining such lighthouse and lightship, and for no other purpose whatever, and the priority according to which such expenses shall be paid shall (so far as conveniently may be, and subject to any other arrangement made with the consent of the guarantors under this Act) be as follows:

(1.) The expenses of maintaining such lighthouse and lightship:

(2.) Then the interest on the unpaid balance of the sum advanced by the Commissioners of Her Majesty's Treasury for the Little Basses lightship, at the rate of three and a quarter per cent. per annum, and the interest on the unpaid balance of the loan under this Act pari passu:

(3.) Then the amount for the time being required for repaying the principal of the said advances and loan respectively pari passu:

(4.) Then the amount required for repaying pari passu to the Commissioners of Her Majesty's Treasury and the Secretary of State in Council of India all sums which they may respectively have paid on account of the guarantee under this Act, with interest on such sums after the rate of five per cent. per annum from the time at which they were paid.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 78.

An Act to amend the Law relating to Criminal Lunatics. A.D. 1869.

[9th August 1869.]

WHEREAS by the sixth section of "The Criminal Lunatics Act, 1867," it is enacted, "that where the term of punish- 30 & 31 Vict. c. 12.
"ment awarded to any criminal lunatic confined in any asylum or "other place of confinement for criminal lunatics expires before "such evidence of his sanity has been given as justifies his being "discharged, such consequences shall ensue as are therein-after "mentioned:" And whereas doubts are entertained whether such section extends to criminal lunatics whose terms of punishment have expired previously to the passing of the said Act, and it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Criminal Lunatics Act, 1869." Short title.

2. It is hereby declared that the sixth section of the Criminal Lunatics Act, 1867, does apply and shall be deemed to have applied from the date of the passing thereof to criminal lunatics whose terms of punishment expired before the date of the passing of such Act in the same manner, so far as circumstances admit, as if their terms of punishment had expired subsequently to the passing of such Act, and all orders made and acts done previously to the passing of this Act in respect of or to criminal lunatics whose terms of punishment expired before the passing of the said Criminal Lunatics Act, 1867, shall be valid accordingly; but no parish or place upon which any order may have been or shall be made for, or which shall be otherwise chargeable with, the maintenance of Application of sect. 6. of 30 & 31 Vict. c. 12.

A.D. 1869. any criminal lunatic under the sixth section of the said Act shall be liable to make good or refund any sum of money which may have been theretofore expended by any other parish or place on account of the maintenance of such lunatic.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 79.

An Act to enable Corporate and other Public Bodies in Ireland to grant Superannuation Allowances to Officers in their Service in certain cases. [9th August 1869.]

A.D. 1869.

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to corporate and other local public officers in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Public bodies in Ireland, with consent of Lord Lieutenant, may grant superannuation allowances to their officers.

1. The various public bodies named in the schedule to this Act annexed may, at their discretion, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, grant to any officer in their service whose whole time shall have been devoted to such service and who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, and shall charge such allowance to the same fund as that to which such salary would have been charged if he had continued in his office.

No officer under age of 60 entitled to allowance, unless he shall have served 20 years.

2. No officer shall be entitled to such allowance on the ground of age who shall not have completed the full age of sixty years, and who shall not have served as an officer of the public body hereby authorized to grant such allowances twenty years at the least.

Conditions of grant.

3. No grant shall be valid under this Act if made by a public body meeting from time to time, unless it shall be sanctioned by two meetings of such body, the second meeting to be at an interval of not less than one month from the first.

A.D. 1869.

The collector general of rates in Dublin and his officers may be superannuated.

4. The Lord Lieutenant or other Chief Governor of Ireland may, at his discretion, grant an annual superannuation allowance to the collector general of rates in Dublin, and to the officers employed in the department of the said collector general; but such superannuation allowance shall in no case exceed two thirds of the amount of the then salary or allowances payable to or receivable by the persons to whom such superannuation allowance is to be made; and shall be subject to the same restrictions as to mental and bodily infirmity, age, and service as is herein-before provided with respect to grants by public bodies to officers in their service under this Act; and in case of the grant of any such superannuation allowance it shall be lawful for the collector general of rates in Dublin for the time being to add such superannuation allowance to the expenses of the management of his office, and to charge the same in the same manner and on the same funds as he is now authorized by law to charge said expenses; and such superannuation allowance shall be a charge on said funds, in addition to any sum he is now by law entitled to charge on the same.

The officers of the auditor of county treasurers accounts may be superannuated.

5. The Lord Lieutenant or other Chief Governor of Ireland may, at his discretion, grant a superannuation allowance to the officers employed in the office of the auditor of county treasurers accounts; but such superannuation allowance shall in no case exceed the amount which public bodies are hereby authorized to grant to officers in their service, and shall be subject to the same restrictions as to mental and bodily infirmity, age, and service as is herein-before provided with respect to grants by public bodies to officers in their service under this Act; and in case of the grant of any such superannuation allowance to any of the officers employed in the office of the said auditor, it shall be lawful for the Lord Lieutenant or other Chief Governor of Ireland to charge same on the fee fund on which the salaries of such officers are charged.

Superannuation allowance to Dominick Marquess, late governor of Richmond Bridewell.

6. The town council of the borough of Dublin may, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, if they shall so think fit, grant to Dominick Marquess, lately governor of Richmond Bridewell, such yearly allowance or superannuation, to commence from and after the passing of this Act, as they shall think fit, and such allowance or superannuation shall be presented and paid in like manner as the salary of the governor of the said Richmond Bridewell: Provided always, that the amount of such yearly allowance or superannuation shall not exceed two thirds of the annual salary to which the said Dominick Marquess was

entitled while governor of the said Richmond Bridewell, nor the proportion with reference to the amount of salary and period of service directed to be observed in regard to the superannuation of prison officers in the county and county of the city of Dublin, by the Act third and fourth Victoria, chapter forty-four.

Superannuation allowances not to be assignable.

7. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities.

Act not to affect right to superannuation under other Acts.

8. Nothing herein contained shall affect the right of any officer of any of the public bodies in the schedule to this Act mentioned who may be entitled to any superannuation allowance under any other Act or Acts; but after the decease of any such officer his successor shall cease to be entitled to any superannuation allowance under any former Act, and shall only be entitled to claim and be paid superannuation allowance under this Act.

Construction of Act.

9. In the construction of this Act the words "public body" shall mean the public bodies named in the schedule to this Act annexed.

Short title.

10. This Act shall be called "The Local Officers Superannuation Act (Ireland), 1869."

SCHEDULE.

Names of Public Bodies authorized by this Act to grant superannuation allowances to their officers.

1. The Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin.
2. The Mayor, Aldermen, and Burgesses of the several boroughs or towns corporate in Ireland.
3. The Town Commissioners acting under the 9 Geo. 4. c. 82., or the 17 & 18 Vict. c. 103., or any Acts amending the same, in any town in Ireland.
4. The Municipal Commissioners acting under 3 & 4 Vict. c. 108. in any town in Ireland.
5. Any board or commissioners acting in any town or county in Ireland under any local Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 80.

An Act to amend "The Militia (Ireland) Act, 1854," as to providing houses or places for the keeping of the arms, accoutrements, clothing, or other stores of the Militia when not embodied. [9th August 1869.] A.D. 1869.

WHEREAS by an Act passed in the session of Parliament, holden in the Forty-ninth Year of the reign of His Majesty "King George the Third, intituled "An Act for amending and "reducing into one Act of Parliament the several laws for raising "and training the militia of Ireland," it was, amongst others, enacted, that the arms, accoutrements, clothing, and other stores belonging to every regiment or battalion of militia in Ireland, when not embodied, should be kept in such convenient place within the county, county of a city, or town to which such regiment should belong as the colonel or other commandant of such regiment or battalion should direct, with the approbation of the Lord Lieutenant or other chief governor or governors of Ireland for the time being. 49 G. 3. c. 120.

And whereas by "The Militia (Ireland) Act, 1854," it was, amongst others, enacted, that all the provisions of the said Act of the forty-ninth year of King George the Third, and of any Act amending the same or otherwise applicable to the militia of Ireland, and not by the said Militia (Ireland) Act, 1854, repealed, should, subject to the provisions of the said last-mentioned Act, and so far as the same were not inconsistent therewith, extend and be applicable to the militia to be raised under the said Act, and to all the purposes thereof: 17 & 18 Vict. c. 107.

And whereas by the said last-mentioned Act it was also enacted that the cost of providing any house or place for the keeping of arms, accoutrements, clothing, or other stores of the militia in each county or county of a city in Ireland, when not embodied, should be defrayed by such county or county of a city, in manner thereby directed:

A.D. 1869.

And whereas it is expedient to amend the said Act, and to provide that in certain cases the arms, accoutrements, clothing, or other stores of the militia of any county, when not embodied, may be kept in any county of a city or town situate within or adjoining such county:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Arms, &c. of county regiments may be kept in county of a city situate within or adjoining such county.

1. The arms, accoutrements, clothing, and other stores belonging to any regiment or battalion of militia of any county in Ireland, when not embodied, may be kept in any house or place in any county of a city or town situate within or adjoining such county, if the colonel or commandant of such regiment or battalion shall consider such house or place to be more convenient for such purpose than any house or place within such county, and if after the grand jury of such county shall have signified their assent thereto, the Lord Lieutenant or other chief governor or governors of Ireland for the time being shall approve of such house or place; and the cost of providing such house or place shall be defrayed, and the sum necessary for that purpose may be borrowed and shall be presented as if the same were situate within such county in the manner and subject to the conditions in the said Militia (Ireland) Act, 1854, in that behalf prescribed.

When arms, &c. kept in county of a city or town the same to be deemed within county.

2. When the arms, accoutrements, clothing, and other stores belonging to any regiment or battalion of militia of any county in Ireland, when not embodied, are kept in any house or place in any county of a city or town within or adjoining such county, then such county of a city or town shall be deemed to be within the said county for all the purposes of "The Militia (Ireland) Act, 1854."

17 & 18 Vict. c. 107. and this Act to be read as one Act.

3. "The Militia (Ireland) Act, 1854," and this Act shall be read and construed together as one Act.

Short title.

4. This Act may be cited for all purposes as "Militia (Ireland) Act, 1869."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 81.

An Act to amend the Volunteer Act, 1863. A.D. 1869.

[9th August 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Volunteer Act, 1869."

This Act to be construed with 26 & 27 Vict. c. 65.

2. This Act shall be construed as one with the Volunteer Act, 1863, in this Act referred to as the principal Act, and that Act and this Act may be cited together as The Volunteer Acts, 1863 and 1869.

Remedy for non-delivery of arms, &c. on demand.

3. Where any person neglects or refuses, on demand made as herein-after mentioned, to deliver up any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property, or the property of a volunteer corps or administrative regiment, and has been issued to such person or is in his possession or keeping as an officer or volunteer, any justice of the peace may, upon reasonable ground being shown for a suspicion that the property is to be found on any premises, issue a warrant under his hand empowering the person therein named to enter upon such premises and search for the property, and the person so empowered may enter and search accordingly, and shall seize such property, if found, and remove the same with all convenient speed to such place as may be directed by the Secretary of State, person, officer, or adjutant who made the demand.

Notwithstanding any such seizure and removal, the same penalty may be enforced against any person and the value of any such property may be recovered from the person neglecting or refusing as aforesaid, in the same manner as it might have been under the principal Act if this Act had not passed.

A.D. 1869.

The jurisdiction under this section may be exercised by any sheriff or magistrate who under the principal Act has jurisdiction with respect to the recovery of a penalty.

Mode of making demand.

4. A demand may be made for the purposes of this Act by the following persons, viz. :—

(1.) In any case by one of Her Majesty's Principal Secretaries of State or any person authorized in writing by him.

(2.) In the case of any volunteer and any officer of inferior rank to the person making the demand, by the commanding officer or adjutant of the volunteer corps or administrative regiment to which such property belongs, or to which such volunteer or officer belongs.

The demand may be made by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or, if no such abode is known, by affixing the same at the orderly room of the corps or regiment to which he belongs or belonged, or at the place where notices relating to such corps or regiment are usually affixed.

Wrongful pawning of arms, &c. by volunteers.

5. Section twenty nine of the principal Act, which relates to the wrongful buying and selling of any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property or the property of a corps or administrative regiment shall extend to the pawning and taking in pawn of such property ; and the said section shall be construed as if the words "buy," "sell," and "selling" included take in pawn, pawn, and pawning respectively.

Appearance of commanding officer by adjutant, &c.

6. The commanding officer of any corps or administrative regiment may appear in any county court or before any justice, sheriff, or magistrate, by the adjutant or sergeant-major of such corps or regiment, or any member of the staff of the corps or regiment authorized in writing under the hand of such commanding officer.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 82.

An Act to amend the Metropolitan Building Act, 1855.

A.D. 1869.

[9th August 1869.]

WHEREAS by the Metropolitan Building Act, 1855, various powers for the regulation and supervision of buildings in the metropolis are given to the Metropolitan Board of Works: 18 & 19 Vict. c. 122.

And whereas by Part Two of the same Act certain powers over dangerous structures are given to the commissioners of police of the metropolis, and it is expedient to transfer those powers to the Metropolitan Board of Works:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Metropolitan Building Act, 1869.

Act to be construed with 18 & 19 Vict. c. 122.

2. This Act shall be construed as one with The Metropolitan Building Act, 1855, and the Acts amending the same.

Commencement of Act.

3. This Act shall come into operation on the first day of October one thousand eight hundred and sixty-nine, which date is in this Act referred to as the commencement of this Act.

Transfer of powers over dangerous structures to the Metropolitan Board of Works.

4. The powers given by Part Two of the Metropolitan Building Act, 1855, to the commissioners of police of the metropolis with respect to the survey of and securing and notice respecting structures in a dangerous state, and to taking down, securing, or repairing such structures, and to the recovery of the expenses thereof, and to the appointment of persons and making of regulations for carrying into execution Part Two of the said Act relating to such structures, shall, on the commencement of this Act, be transferred to and vest in, and may thereafter be exercised by, the Metropolitan Board of Works; and the expression "the commissioners" throughout the said part (so far as regards structures situate within the limits of the said Act, and not within the city of London) shall mean the Metropolitan Board of Works.

A.D. 1869.

Expenses of Metropolitan Board of Works.

5. All payments directed by Part Two of the Metropolitan Building Act, 1855, as amended by this Act, to be made by the Metropolitan Board of Works in respect of any structure situate within the limits of that Act, and not within the city of London, and all expenses incurred by the said Board in carrying into execution Part Two of the said Act, shall be deemed to be part of their expenses in carrying into execution the said Act, and shall be raised and paid accordingly.

All payments directed by Part Two of the said Act as amended by this Act to be made to the Metropolitan Board of Works, shall be made in the same manner in which payments are made to the Board in the ordinary course of their business.

Part of 18 & 19 Vict. c. 122. repealed.

6. So much of the Metropolitan Building Act, 1855, as is set out in the third column of the schedule to this Act is hereby repealed.

SCHEDULE.

Date.	Title.	Part repealed.
18 & 19 Vict. c. 122.	An Act to amend the laws relating to the construction of buildings in the metropolis and its neighbourhood.	The following words in sect. 70: "but when "such structure is situate elsewhere, it shall "mean 'the commissioners of police of the "metropolis,' or such one of them as may be "authorized by one of Her Majesty's Principal "Secretaries of State to act in the matter of "this Act." The following words in sect. 75: "and in "the cases of payments in respect of any struc- "ture situate elsewhere within the limits of "this Act be made by or to the receiver of "metropolitan police." The following words in sect. 81: "subject to the "approval of one of Her Majesty's Principal "Secretaries of State;" and the following words in the same section: "and all expenses incurred "by them not hereby otherwise provided for "shall, in the case of expenses incurred by the "said commissioners of police, be deemed to be "expenses incurred by them in respect of the "police force of which they are commissioners, "and be payable accordingly."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 83.

An Act to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England, and to repeal Enactments relating to Insolvency, Bankruptcy, Imprisonment for Debt, and matters connected therewith. [9th August 1869.]

A.D. 1869.

WHEREAS it is expedient to provide for the winding-up of the business of the late Court for the Relief of Insolvent Debtors in England:

And whereas the enactments described in the schedule to this Act relate to insolvency or bankruptcy, or imprisonment for debt, or to matters connected therewith, and the same either have ceased to be in force, or on the commencement of divers Acts of the present session will cease to be in force, and it is therefore expedient that the same be expressly repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as The Bankruptcy Repeal and Insolvent Court Act, 1869.

Commencement of Act.

2. This Act shall not come into operation until the day on which The Bankruptcy Act, 1869, comes into operation, which day is herein-after referred to as the commencement of this Act.

A.D. 1869.

PART I.

Temporary Provisions respecting Insolvent Debtors.

Construction of part of Act.

3. Words and expressions defined or explained in The Bankruptcy Act, 1869, shall have the same meaning in this part of this Act.

Jurisdiction of Insolvent Debtors Court and of county courts.

4. The Court of Bankruptcy in London shall have all the jurisdiction, powers, and authorities possessed at the commencement of The Bankruptcy Act, 1861, by the late Court for the Relief of Insolvent Debtors in England (in this part of this Act called the late Insolvent Debtors Court), in relation to all matters then pending in that court, and not completed at the commencement of this Act, and all matters at the commencement of this Act pending in that court or in the county courts under the Acts for the relief of insolvent debtors shall (subject to the express provisions of this part of this Act) be continued and completed therein as if this Act had not been passed.

General rules to be made by court.

5. Rules of court may be made in manner provided by The Bankruptcy Act, 1869, for the effectual execution of this part of this Act and of the objects thereof, and the regulation of the practice and procedure in proceedings thereunder, and the provisions of The Bankruptcy Act, 1869, with respect to the making of rules of court shall apply accordingly.

Until rules have been made in pursuance of this section, and, so far as such rules do not extend, the principles, practice, and rules on which courts having jurisdiction in insolvency have heretofore acted in dealing with insolvency proceedings shall be observed.

Delegation of authority by court.

6. The judge of any court exercising jurisdiction under this part of this Act may delegate to the registrar or to any other officer of his court such of the powers vested in him under this part of this Act as are allowed by the rules of court to be so delegated.

Saving for liability under Insolvent Debtors Acts.

7. Where a bankrupt has before adjudication of bankruptcy taken the benefit of any Act for the relief of insolvent debtors, nothing in The Bankruptcy Act, 1869, shall interfere with the operation of the Act of which he so took the benefit, in respect of the liability of property acquired after his discharge under that Act, if and so far as any such liability would have existed if The Bankruptcy Act, 1869, had not been passed.

Provision for duties of provisional assignee.

8. The person at the passing of this Act holding the office of provisional and official assignee of the estates and effects of insolvent debtors shall be deemed to have been duly appointed, and shall (subject to the provisions of this Act) continue, on the same terms

on which he then holds that office, to perform the duties imposed on him by or under The Bankruptcy Act, 1861, or any other Act. If a vacancy occurs in that office at any time after the passing of this Act, the Lord Chancellor may appoint a fit person to perform the remaining duties thereof, who shall receive such remuneration as the Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, from time to time directs, and the person so appointed shall have all the powers and authorities of the person who is at the passing of this Act the provisional and official assignee; and all estates, rights, and effects vested at the time of the vacancy in the provisional and official assignee shall, by virtue of such appointment, become vested in the person so appointed, and the like appointment on a vacancy shall be made and the like vesting shall have effect from time to time as occasion requires. A.D. 1869.

Receiver of Insolvent Debtors Court.

9. The provisional and official assignee of the estates and effects of insolvent debtors and the person for the time being appointed to perform the remaining duties of that office shall also be styled the Receiver of the late Insolvent Debtors Court, and as such he shall act in such manner in relation to the receipt and custody of money paid to him or into court in respect of the estates of insolvent debtors, and to the payment thereof out of court, and give such security, as may be from time to time prescribed by the rules of court.

The accounts of the provisional and official assignee and receiver may be audited by such person and in such manner and at such times as may be prescribed by the rules of court.

Clerks and officers of Insolvent Debtors Court.

10. The taxing master, clerks, and persons (other than the provisional and official assignee) at the commencement of this Act discharging duties connected with the late Insolvent Debtors Court shall continue to discharge the same duties as at the commencement of this Act; and every such clerk and person appointed before the commencement of The Bankruptcy Act, 1861, shall hold his appointment during good behaviour, but may be removed by the Lord Chancellor, by order, for some sufficient reason therein stated. If a vacancy happens in the place of any clerk or person to whom this section relates, the Lord Chancellor may, if he thinks fit, with the concurrence of the Commissioners of Her Majesty's Treasury, employ a fit person to discharge the duties of that place; and in the event of the duties of any such first-named clerk or person ceasing, he shall, if the Lord Chancellor thinks fit, be appointed to discharge similar duties in the Court of Bankruptcy in London in case his

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services are required in that behalf, and if not so appointed his office shall be abolished, and he shall be awarded the same compensation as if his office had been abolished by The Bankruptcy Act, 1869.

Salary of provisional assignee.

11. The person who is at the passing of this Act the provisional and official assignee shall as long as he remains in office receive the same salary as at the commencement of this Act.

Salaries of clerks and officers of court.

12. The clerks and persons (other than the provisional and official assignee) who under this Act discharge duties connected with the late Insolvent Debtors Court shall as long as they discharge such duties continue to receive the same salaries as at the commencement of this Act.

Saving for right to superannuation allowance, &c.

13. Nothing in The Bankruptcy Act, 1869, or this Act shall deprive any person holding at the commencement of this Act any office or place in the late Insolvent Debtors Court of any benefit to which at or after the commencement of this Act he is or may become entitled by virtue of any Act relating to superannuation allowances; and the service of any such person in the Court of Bankruptcy in London shall, in relation to superannuation allowance, retiring pension, and compensation annuity on abolition of office, be equivalent to service in the late Insolvent Debtors Court; and nothing in this part of this Act shall prevent any person from being deemed an officer of the Court of Bankruptcy who would have been deemed such if this part of this Act had not been enacted.

Winding up of insolvency business.

14. For the purpose of winding up and terminating as quickly as possible all matters at the commencement of this Act pending in the late Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the judges of the courts in which the same are pending shall from time to time order the provisional and official assignee of the estates and effects of insolvent debtors, or the person for the time being appointed to perform the remaining duties of that office, to institute and carry on such proceedings, either at law or in equity, as the judges direct for compelling creditors, assignees, and others to account for and pay to the receiver of the late Insolvent Debtors Court assets belonging to the estates of insolvent debtors, and those judges shall have for that purpose all such powers and authorities as were vested in the late Insolvent Debtors Court in cases where the court was dissatisfied with the account of an assignee.

1 & 2 Vict. c. 110.

Termination of insolvency cases.

15. For the purpose of winding up and terminating all matters which at the commencement of this Act may be pending in the late

Insolvent Debtors Court and in county courts under the Acts for the relief of insolvent debtors, the following provisions shall have effect; namely, A.D. 1869.

(1.) Every insolvency shall at the expiration of twelve months from the commencement of this Act or at the expiration of twenty years from the date of the filing of the petition (whichever last happens) be closed:

(2.) Before the expiration of the said twelve months or twenty years, as the case may be, any assignee, creditor, or other person interested in an insolvency may apply in the prescribed manner to the court in which it is pending to have the close of such insolvency postponed, and the judge of such court, on sufficient cause being shown for the postponement, may, subject to the rules of court, postpone such close for such period and on such terms and conditions (if any) as he thinks just:

(3.) If the close is postponed the same proceedings may be had before the expiration of the period of postponement as is provided by this section before the expiration of the said twenty years:

(4.) If sufficient cause for postponement is not shown before the expiration of the said twelve months, or twenty years, or the period of postponement (as the case may be), or of such further period as may, subject to the rules of court, be allowed for an application by the court in which the case is pending, the insolvency shall at the expiration of the said times be ipso facto closed, and thereupon the insolvent or the heirs, devisees, or personal representatives of the insolvent (if he is dead) shall be in the same position and have the same rights in all respects as if the insolvent had been bankrupt, and had at the date of the closing obtained his discharge under The Bankruptcy Act, 1869:

(5.) The term insolvency in this section includes any proceeding taken to obtain protection under the Act of the session of the fifth and sixth years of Her Majesty's reign, chapter one hundred and sixteen.

16. The powers and authorities originally conferred by this part of this Act on the Court of Bankruptcy in London and the county courts shall be deemed to be in addition to and not in abridgment of or substitution for the powers and authorities vested in them under the Acts for the relief of insolvent debtors. Authorities to be cumulative.

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Account of Insolvent Debtors Court.

17. The receiver of the late Insolvent Debtors Court shall keep an account to be intituled "The Account of the late Insolvent Debtors "Court," and there shall be transferred to that account the account kept at the passing of this Act by the Accountant in Bankruptcy, intituled The purposes of the twenty-sixth section of The Bankruptcy Act, 1861, and so much of the accounts kept by the said accountant, intituled respectively The General Account of Bankrupts Estates and The Unclaimed Dividend Account, as relates to insolvent debtors, and so much of the cash and securities left standing in the name of the said accountant under the provisions of any Act passed in the present session respecting the funds of the Court of Bankruptcy as represents part of the sums standing to the credit of the accounts so transferred shall be transferred into the name of the receiver of the late Insolvent Debtors Court to the account of the late Insolvent Debtors Court, and all the provisions of any such Act relating to the Accountant in Bankruptcy shall extend, mutatis mutandis, to the receiver of the late Insolvent Debtors Court.

Application of Insolvent Debtors Court account.

18. The sums for the time being standing to the account of the late Insolvent Debtors Court shall be subject to the orders of the Court of Bankruptcy in London for payment of any dividend, or distribution of any money, in the matter to which any part thereof originally belonged, and for payment of any money paid into the late Insolvent Debtors Court and appearing to be unaccounted for or not duly appropriated, and for indemnifying every existing and past provisional and official assignee, and every person appointed to perform the remaining duties of the office of provisional and official assignee, and their respective estates, against costs and expenses incurred or to be incurred in any action, suit, or proceeding.

Vesting of dividends after six years non-claim.

19. All dividends declared in any court acting under the Acts relating to bankruptcy or the relief of insolvent debtors which remain unclaimed for five years after the commencement of this Act, if declared before that commencement, and for five years after the declaration of the dividend if declared after the commencement of this Act, and all undivided surpluses of estates administered under the jurisdiction of such court which remain undivided for five years after the declaration of a final dividend in the case of bankruptcy, or for five years after the close of an insolvency under this Act, shall be deemed vested in the Crown, and shall be disposed of as the Commissioners of Her Majesty's Treasury direct; provided that at any time after such vesting the Lord Chancellor may, if he thinks fit, by reason of the disability or absence beyond seas

of the person entitled to the sum so vested, or for any other reason appearing to him sufficient, direct that the sum so vested shall be repaid out of moneys provided by Parliament, and shall be distributed as it would have been if there had been no such vesting. A.D. 1869.

PART II.

Repeal.

Enactments described in schedule repealed.

20. The enactments described in the schedule to this Act are hereby repealed; but this repeal shall not affect the past operation of any such enactment, or revive any court, office, jurisdiction, authority, or thing abolished by any such enactment, or affect the validity or invalidity of anything done or suffered before the commencement of this Act, or any right, title, obligation, or liability accrued or restriction imposed before the commencement of this Act, by or under any such enactment, or affect any principle or rule of law derived from any enactment contained in the first and secondly mentioned Acts in the schedule to this Act; nor shall this repeal interfere with the prosecution or affect the course of any legal proceeding pending in bankruptcy or otherwise under any such enactment before the commencement of this Act; but subject to the provisions of The Bankruptcy Act, 1869, and The Debtors Act, 1869, such proceedings shall be prosecuted as if this Act had not passed; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any enactment hereby repealed.

SCHEDULE.

Enactments repealed.

13 Edw. 1. (Stat. West. 2.) c. 11.	The masters remedy against their servants and other accomptants.	
25 Edw. 3. Stat. 5. c. 17.	Process of exigent in debt, detinue, and replevin.	
12 Geo. 1. c. 29. in part.	An Act to prevent frivolous and vexatious arrests.	in part: namely,— Sections one and two.
19 Geo. 3. c. 70. in part.	An Act for extending the provisions of an Act made in the twelfth year of the reign of King George the First, intituled an Act to prevent frivolous and vexatious arrests; and for other purposes.	in part: namely,— Sections one, two, and three, and so much of section four as relates to execution against the person of a defendant, and to detaining a defendant.
43 Geo. 3. c. 46. in part.	An Act for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorize the levying of poundage upon executions in certain cases.	in part: namely,— Sections one, two, three, and six, so far as they relate to England.
48 Geo. 3. c. 123.	An Act for the discharge of debtors in execution for small debts from imprisonment in certain cases.	
52 Geo. 3. c. 144.	An Act to suspend and finally vacate the seats of members of the House of Commons, who shall become bankrupts, and who shall not pay their debts in full within a limited time.	in part: namely,— Except so far as it relates to Scotland and Ireland.
1 & 2 Geo. 4. c. 115.	An Act to repeal so much of an Act of the fifth year of the reign of His late Majesty King George the Second, relating to bankrupts, as requires the meetings under commissions of bankrupt to be holden in the Guildhall of the city of London, and for building offices in the said city for the meetings of the commissioners, and for the more regular transaction of business in bankruptcy.	
7 & 8 Geo. 4. c. 71. in part.	An Act to prevent arrests upon mesne process where the debt or cause of action is under twenty pounds, and to regulate the practice of arrests.	in part: namely,— Except section six.
11 Geo. 4. & 1 Will. 4. c. 70. in part.	An Act for the more effectual administration of justice in England and Wales.	in part: namely,— Sections twenty-one and twenty-two.
1 & 2 Will. 4. c. 56.	An Act to establish a court in bankruptcy.	

2 & 3 Will. 4. c. 39.	An Act for uniformity of process in personal actions in His Majesty's courts of law at Westminster.	in part: namely,— Sections one to ten, both inclusive.
2 & 3 Will. 4. c. 114.	An Act to amend the laws relating to bankrupts.	
3 & 4 Will. 4. c. 84. in part.	An Act to provide for the performance of the duties of certain offices connected with the Court of Chancery which have been abolished.	in part: namely,— Section nine.
5 & 6 Will. 4. c. 29.	An Act for investing in Government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the subdivision courts.	
6 & 7 Will. 4. c. 27.	An Act for investing in Government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
1 & 2 Vict. c. 110. in part.	An Act for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	in part: namely,— Sections one to ten, both inclusive. So much of section eighteen as relates to orders of the Lord Chancellor or of the Court of Review in matters of bankruptcy, and sections twenty-three to one hundred and twenty-three, both inclusive.
2 & 3 Vict. c. 39.	An Act to amend an Act passed in the last session of Parliament for abolishing arrest on mesne process in civil actions, except in certain cases; for extending the remedies of creditors against the property of debtors; and for amending the laws for the relief of insolvent debtors in England.	
5 & 6 Vict. c. 122.	An Act for the amendment of the law of bankruptcy.	
7 & 8 Vict. c. 70.	An Act for facilitating arrangements between debtors and creditors.	
7 & 8 Vict. c. 96. in part.	An Act to amend the law of insolvency, bankruptcy, and execution.	in part: namely,— Sections one to fifty-nine, both inclusive.
8 & 9 Vict. c. 127. in part.	An Act for the better securing the payment of small debts.	in part: namely,— Sections one to seven, both inclusive, and section fifteen.
9 & 10 Vict. c. 95.	An Act for the more easy recovery of small debts and demands in England.	in part: namely,— Sections ninety-eight to one hundred and one, both inclusive.
10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make alterations in the jurisdictions of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors.	
11 & 12 Vict. c. 77.	An Act to authorize the application of part of the unclaimed money in the Court for the Relief of Insolvent Debtors in enlarging the court-house of the said court.	
12 & 13 Vict. c. 106.	The Bankrupt Law Consolidation Act, 1849.	
14 & 15 Vict. c. 52.	An Act to facilitate the more speedy arrest of absconding debtors.	
14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery, and in the Judicial Committee of the Privy Council.	in part: namely,— Section seven, and section ten as far as it relates to matters of bankruptcy.

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15 & 16 Vict. c. 77.	An Act to abolish the office of Lord Chancellor's secretary of bankrupts, and to regulate the office of chief registrar of the Court of Bankruptcy.
16 & 17 Vict. c. 81.	An Act to reduce the salary and emoluments of the registrar of meetings of the Court of Bankruptcy.
17 & 18 Vict. c. 119.	The Bankruptcy Act, 1854.
18 & 19 Vict. c. 15. in part.	An Act for the better protection of purchasers against judgments, Crown debts, cases of lis pendens, and life annuities or rent-charges. — in part: namely,— Section ten.
22 & 23 Vict. c. 57.	An Act limiting the power of imprisonment for small debts exercised by the county court judges.
23 & 24 Vict. c. 147.	An Act to amend the seventh and eighth Victoria, chapter seventy.
24 & 25 Vict. c. 134.	The Bankruptcy Act, 1861.
25 & 26 Vict. c. 99. in part.	An Act to amend the Bankruptcy Act, 1861. — in part: namely,— Except section four.
31 & 32 Vict. c. 104.	An Act to amend the Bankruptcy Act, 1861.

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CHAP. 84.

An Act to abolish the office of Cursitor of the Court of Chancery in the palatine of Durham. [9th August 1869.]

A.D. 1869.

WHEREAS the business of the cursitor of the Court of Chancery in the palatine of Durham has been greatly diminished, and the office is now vacant, and it is expedient that the said office should be abolished:

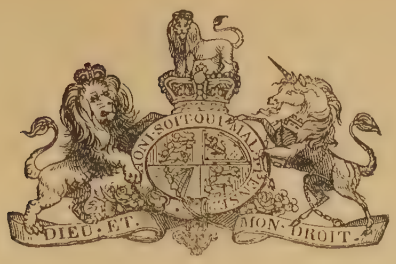
Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Office of cursitor of chancery in the county palatine of Durham to cease.

Duties of cursitor to be performed by registrar of Court of Chancery of palatinate.

1. From and after the passing of this Act the office of cursitor of chancery in the palatine of Durham shall utterly cease and determine, and all and every the duties of the said cursitor shall henceforth be performed by the registrar of the Court of Chancery of the palatine of Durham for the time being, and all the acts done by the said registrar in performance of the duties of the said cursitor, from and after the passing of this Act, shall in all respects, and to all intents and purposes, have the same force and effect as if the said registrar had been cursitor in the Court of Chancery in the said palatinate.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.



CHAP. 85.

An Act to continue various expiring Laws. [9th August 1869.] A.D. 1869.

WHEREAS the several Acts mentioned in the first column of the schedule to this Act are wholly, or as to certain provisions thereof, limited to expire at the times specified in respect of such Acts in the fourth column of the said schedule:

And whereas it is expedient to continue such Acts, and the Acts amending the same, in so far as they are temporary in their duration, for the times mentioned in respect of such Acts respectively in the fifth column of the said schedule:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the "Expiring Laws Continuance Act, 1869." Short title.

2. The Acts mentioned in columns one and two of the said schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any provisions thereof are temporary in their duration, be continued until the times respectively specified in respect of such Acts or provisions in the fifth column of the said schedule. Continuance of Acts in schedule.

3. Nothing in this Act shall revive any provisions of the Acts mentioned in the said schedule which are not in force at the time of the passing of this Act. Not to revive provisions in certain Acts, &c.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	Whole Act -	13th August 1869 - (27 & 28 Vict. c. 84.)	13th August 1870, and end of then next session.
(2) 2 & 3 Vict. c. 74. Societies, unlawful (Ireland). (Formerly renewed as Oaths, unlawful).	11 & 12 Vict. c. 89.	Whole Act -	7th July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	7th July 1870, and end of then next session.
(3) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	- - -	Whole Act -	1st October 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(4) 4 & 5 Vict. c. 30. Survey of Great Britain.	19 & 20 Vict. c. 61.	Whole Act -	31st of December 1869, and end of then next session. (30 & 31 Vict. c. 143.)	31st of December 1870, and end of then next session.
(5) 5 & 6 Vict. c. 123. Lunatic Asylums (Ireland).	- - -	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.
(6) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	13 & 14 Vict. c. 31. 29 & 30 Vict. c. 40.	As to powers of commissioners.	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(7) 10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to appointment of commissioners.	23d July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	23d July 1870, and end of then next session.
(8) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to provisions continued by 21 & 22 Vict. c. 50.	1st of August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(9) 11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.
(10) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(11) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29.	Whole Act -	8th June 1869, and end of then next session. (31 & 32 Vict. c. 111.)	8th June 1870, and end of then next session.
(12) 19 & 20 Vict. c. 36. Preservation of the Peace (Ireland).	20 & 21 Vict. c. 7. 28 & 29 Vict. c. 118.	Whole Act -	1st July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st July 1870, and end of then next session.
(13) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	- - -	As to appointment of inspectors, s. 31.	1st October 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(14) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	As to the powers of commissioners, &c.	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(15) 26 & 27 Vict. c. 105. Promissory Notes.	- - -	Whole Act -	28th July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	28th July 1870, and end of then next session.
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	- - -	Whole Act -	13th May 1869, and end of then next session. (31 & 32 Vict. c. 111.)	13th May 1870, and end of then next session.
(17) 27 & 28 Vict. c. 9. Malt for Animals.	- - -	Whole Act -	28th April 1869, and end of then next session. (27 & 28 Vict. c. 9.)	28th April 1870, and end of then next session.
(18) 27 & 28 Vict. c. 92. Public Schools.	- - -	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(19) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	- - -	Whole Act -	1st October 1869, and end of then next Session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(20) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	- - -	Whole Act -	29th June 1869, and end of then next session. (28 & 29 Vict. c. 66.)	29th June 1870, and end of then next session.
(21) 28 & 29 Vict. c. 83. Locomotives on Roads.	- - -	Whole Act -	1st September 1869, and end of then next session (31 & 32 Vict. c. 111.)	1st September 1870, and end of then next session.
(22) 29 & 30 Vict. c. 52. Prosecution Expenses.	- - -	Whole Act -	23d July 1869, and end of then next session. (29 & 30 Vict. c. 52.)	23d July 1870, and end of then next session.
(23) 29 & 30 Vict. c. 121. (Extradition Treaties Act Amendment).	- - -	Whole Act -	1st September 1869 - (31 & 32 Vict. c. 111.)	1st September 1870, and end of then next session.
(24) 30 & 31 Vict. c. 141. Master and Servant.	- - -	Whole Act -	20th August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	20th August 1870, and end of then next session.
(25) 31 & 32 Vict. c. 32. Endowed Schools.	- - -	Whole Act -	1st of August 1869, and end of then next session. (31 & 32 Vict. c. 32.)	1st of August 1870, and end of then next session.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 86.

An Act to amend the Law relating to the Presentation of Accounts, Statements, Returns, and Documents to Parliament. [9th August 1869.]

A.D. 1869.

WHEREAS various accounts, statements, returns, and other documents laid before Parliament, and in particular the appropriation accounts, required by "The Exchequer and Audit Departments Act, 1866," to be laid yearly before the House of Commons, contain the same information as accounts, statements, returns, and documents which are required under other Acts of Parliament to be laid separately before one or both Houses of Parliament; and it is expedient to provide for the discontinuance of such last-mentioned accounts, statements, returns, and documents:

29 & 30 Vict. c. 39.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Parliamentary Returns Act, 1869."

Discontinuance by Treasury of separate returns.

2. Whenever it appears to the Commissioners of Her Majesty's Treasury that any account, statement, return, or document required by any Act of Parliament or otherwise to be laid before one or both Houses of Parliament contains the same information as or less information than is contained in the Appropriation Accounts prepared under "The Exchequer and Audit Departments Act, 1866," or in any account, statement, return, or document which is annually laid before one or both Houses of Parliament, or that the same has otherwise become obsolete, such Commissioners may by minute direct that after the date of such minute coming into operation the account, statement, return, or other document therein mentioned shall be discontinued, and upon the minute coming into operation the same shall be discontinued accordingly, and shall not be prepared or laid before either House of Parliament.

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Minutes to be submitted to Parliament.

3. Every minute so made by the Commissioners of Her Majesty's Treasury shall be laid before both Houses of Parliament as soon as may be after it is made, and shall not come into operation until it has lain before Parliament for thirty days on which either House of Parliament has actually sat, or until such later date as may be in that behalf prescribed in the minute, and shall not come into operation at all if during such thirty days a resolution against its so coming into operation is passed by either House of Parliament.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 87.

An Act to provide for the prevention of Gaming in public places in Scotland. [9th August 1869.]

A.D. 1869.

WHEREAS it is expedient that provision should be made for punishing idle and disorderly persons guilty of gaming, or of having in their possession instruments of gaming, in public places in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the "Prevention of Gaming (Scotland) Act, 1869."

Interpretation of terms.

2. In this Act the following words shall have the meanings hereby assigned to them:

"Magistrate" shall mean and include the sheriff and sheriff substitute, or any one or more magistrate or magistrates having jurisdiction respectively in the county or burgh where any offence against the provisions of this Act is committed, or where any person charged with such offence is found or brought to trial:

"Procurator fiscal" shall mean and include the procurator fiscal of the court having such jurisdiction.

Penalty on gambling, &c. in public places.

3. All chain-droppers, thimblers, loaded-dice players, card-sharpers, and other persons of similar description, who shall be found in any public place or in any grounds open to the public, or in any public conveyance, in possession of implements or articles for the practice of chain-dropping, thimbling, loaded-dice playing, card-sharping, or other unlawful gaming, or who shall in any such place, grounds, or conveyances, exhibit such implements or articles in order to induce or entice any person to engage in any such game, or

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who, by any such fraudulent act or device, shall cozen and cheat or attempt to cozen and cheat any person in any public place or in any grounds open to the public, or in any public conveyance, may be convicted before a magistrate on the testimony of one or more credible witness or witnesses, and on conviction shall be imprisoned, with or without hard labour, for any term not exceeding sixty days, and shall also at the same time be sentenced to repay any money or restore any property which they may have obtained by means of any such offence, and failing such payment or restoration may, under the same procedure, be committed to or detained in prison, with or without hard labour, for any further term not exceeding sixty days.

By whom prosecution to be raised.

4. Every prosecution for any offence against the provisions of this Act shall be raised and proceeded in under the provisions of the "Summary Procedure Act, 1864," and at the instance of the procurator fiscal of the court having jurisdiction under this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 88.

An Act for the separation of the Straits Settlements from the Diocese of Calcutta. [9th August 1869.]

A.D. 1869.

WHEREAS by an Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter one hundred and fifteen, and by an Order in Council of the twenty-second day of December one thousand eight hundred and sixty-six, made in pursuance of the said Act, the islands and territories known as the "Straits Settlements," namely, Prince of Wales Island, the Island of Singapore, and the town and fort of Malacca, and their dependencies, ceased to be part of India for the purposes and within the meaning of an Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and six:

Recital of 53 G. 3. c. 155. and 3 & 4 W. 4. c. 85.

And whereas by virtue of an Act passed in the session of the fifty-third year of the reign of King George the Third, chapter one hundred and fifty-five, and of another Act of the session of the third and fourth years of the reign of King William the Fourth, chapter eighty-five, and of Letters Patent under the Great Seal of the United Kingdom bearing date respectively the second day of May one thousand eight hundred and fourteen, the thirteenth day of June one thousand eight hundred and thirty-five, and the first day of October one thousand eight hundred and thirty-seven, the said Straits Settlements were before the passing of the said first-recited Act and still are part of the diocese of Calcutta, and subject to the metropolitical authority of the bishop of that diocese:

And whereas it is expedient that the said Straits Settlements should be separated from the said diocese and cease to be subject to such metropolitical authority:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1869.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Separation of Straits Settlements from diocese of Calcutta.

1. The said recited Acts of Parliament of the reigns of King George the Third and King William the Fourth, and the said Letters Patent shall no longer apply to the said Straits Settlements; and the said Straits Settlements shall from the passing of this Act cease to be part of the said diocese of Calcutta and to be subject to the metropolitical authority of the bishop of that diocese.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 89.

An Act to amend the Law relating to the office of Clerk of Assize and offices united thereto, and to certain Fees upon Orders for payment of witnesses in criminal proceedings. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient to amend the law relating to the office of clerk of assize and offices united thereto, and to remove doubts which have arisen respecting the taking of certain fees in pursuance of section five of the Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter thirty-five, "to remove some defects in the administration of the "criminal law:"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Clerks of Assize, &c. Act, 1869. Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

PART I.

Office of Clerk of Assize.

3. After the passing of this Act a person shall not be appointed to be clerk of assize unless he has during a period of not less than three years been either Qualification for clerk of assize.

(1.) A barrister-at-law in actual practice, or

(2.) A special pleader or conveyancer in actual practice, or

(3.) An attorney of one of the superior courts of law at Westminster in actual practice, or

(4.) A subordinate officer of a clerk of assize on circuit;

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and the appointment of any person to be clerk of assize who is not qualified as provided by this section shall be void, and another duly qualified person may be appointed in his place as if he were naturally dead.

Revision of salary of clerk of assize.

4. Whenever any vacancy takes place in the office of clerk of assize the Commissioners of Her Majesty's Treasury may revise the salary attached to such office and fix another salary in lieu of the former salary, having regard to the nature of the duties and responsibility of such office.

Taking of fees by clerks of assize.

5. A clerk of assize who is paid by salary shall not take any fee for his own use; and if he is authorized by any Act passed or hereafter to be passed to take any fee for any duty performed by him, he shall take (by stamps or otherwise) and account for and pay over such fee in such manner as may be directed by the Commissioners of Her Majesty's Treasury.

Persons hereafter appointed not to be entitled to compensation.

6. Every person who is appointed after the passing of this Act to be clerk of assize shall hold his office subject to such provisions and regulations as may thereafter be enacted by Parliament respecting the same, and shall not be entitled to any compensation in respect of the emoluments of his office in case any alteration is made in the duties thereof, or the same is abolished by authority of Parliament.

Removal of person employed by clerk of asssize.

7. Any person employed by any clerk of assize and paid any salary or allowance out of moneys provided by Parliament shall not be removed from his office or employment without the sanction of the Commissioners of Her Majesty's Treasury.

Definition of clerk of assize.

8. In this Act the term "clerk of assize" includes clerk of the Crown and associate on circuit, and any other office the duties of which are at the passing of this Act or may hereafter be performed by the clerk of assize.

PART II.

Fees on Orders under 30 & 31 Vict. c. 35. s. 5.

Construction of part of Act.

9. This part of this Act shall be construed as one with the recited Act of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter thirty-five, which may be cited as The Criminal Law Amendment Act, 1867.

Amendment of sect. 5. of 30 & 31 Vict. c. 35. as to fees.

10. Where the officer of the court who in pursuance of section five of The Criminal Law Amendment Act, 1867, makes out an order for the payment of expenses and compensation to witnesses is paid

by salary, or is for the time being allowed under the table of fees relating to his office to take one fee only of fixed amount in respect of his several duties relating to the prosecution of an offender, such officer shall make out and deliver such order without taking any fee for the same, and the said section shall be construed as if all mention of the sum or fee of sixpence were omitted therefrom.

Fees under sect. 5. of 30 & 31 Vict. c. 35. to be included in the account of the clerk of the peace.

11. Where the fee of sixpence is, in pursuance of section five of The Criminal Law Amendment Act, 1867, as amended by this Act, taken by a clerk of the peace or other officer, the amount of such fees received by him during any year after the passing of this Act shall be included in the total amount of fees in criminal prosecutions received by him, which is to be ascertained under section eighteen of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, "for diminishing expense and delay in "the administration of criminal justice in certain cases," and shall be included in every return or account of fees made or rendered by such clerk of the peace or other officer.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 90.

An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads. [9th August 1869.] A.D. 1869.

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts specified in the first schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and sixty-nine. Repeal of certain Acts. Schedule 1.

2. The Acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1868." Expiration of certain Acts. Schedule 2.

3. The Acts specified in the third schedule annexed hereto shall be repealed on and after the date in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1868." Repeal of certain Acts. Schedule 3.

4. The Acts specified in the fourth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides. Continuance of certain Acts. Schedule 4.

5. The Acts specified in the fifth schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides. Repeal of certain Acts. Schedule 5.

6. All other Acts now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire Continuance of all other Turnpike Acts.

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at or before the end of the next session of Parliament or which but for the passing of this Act would otherwise be repealed by the thirty-first and thirty-second Victoria, chapter ninety-nine, shall continue in force until the first day of November one thousand eight hundred and seventy, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides.

Explanation of 3 & 4 W. 4. c. 80.

7. Whereas by an Act of the session of the third and fourth years of the reign of His late Majesty King William the Fourth, chapter eighty, intituled "An Act requiring the annual Statements "of Trustees or Commissioners of Turnpike Roads to be transmitted "to the Secretary of State, and afterwards laid before Parliament," and the several enactments contained in previous Acts therein referred to, and by an Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter eighty-seven, intituled "An Act to continue certain Turnpike Acts in "Great Britain for limited periods, and to make certain provisions "respecting turnpike roads in England," certain provisions are made in relation to the statements of accounts of turnpike trusts, and to enable one of Her Majesty's Principal Secretaries of State to elucidate such statements and make abstracts thereof and prepare observations thereon to be laid before Parliament: And whereas divers local Acts of Parliament relating to turnpike trusts have expired during the last five years, and doubts have arisen whether the said Acts and the enactments therein referred to apply after the expiration of such local Acts: Be it enacted, that where any local Act of Parliament relating to any turnpike trust has expired within the period of five years preceding the date of the passing of this Act, or may hereafter expire, the said Acts of the sessions of the third and fourth years of the reign of His late Majesty William the Fourth, chapter eighty, and the twelfth and thirteenth years of the reign of Her present Majesty, chapter eighty-seven, and the enactments therein referred to, shall be deemed in the same manner, as if such local Act had not expired, to apply in the case of such trust, and the officers thereof, until such information may have been furnished to the said Secretary of State as will in his opinion enable him to elucidate the statement and make the abstract thereof and prepare his observations thereon, and to lay the same before Parliament as required by the said Acts or one of them.

Short title.

8. This Act may be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1869."

SCHEDULES.

County.	Name of Trust.	No. of Schedule.	No. of Act.
Bedford -	Barford - - - - -	2	15
	Bedford and Luton - - -	3	52
	Bedford and Newport Pagnell - -	2	16
	Hitchin and Bedford - - -	2	48
Berks -	Chilton Pond - - - -	3	58
	Reading and Basingstoke - -	2	26
Bucks -	Colnbrook, Datchet, and Slough - -	5	98
Cambridge	Arrington - - - -	4	65
	Newmarket Heath - - -	2	33
Chester -	Frodsham and Wilderspool - -	2	30
	Spann Smithy, Booth Lane, and Winsford	4	71
Cumberland	Whitehaven - - - -	4	82
Durham -	Boroughbridge and Durham (part) -	4	88
	Bowes and Sunderland Bridge - -	4	63, 64
	South Shields - - - -	1	10
	Wearmouth Bridge to Tyne Bridge -	5	97
	West Auckland - - - -	2	44
Essex -	Epping and Ongar - - -	2	50
	Hockerill - - - -	4	83
Gloucester	Crickley Hill and Campsfield - -	2	25
Hereford -	Blue Mantle Hall - - -	2	27
	Leominster - - - -	1	1
Hertford -	Wadesmill - - - -	4	67
Kent -	Ashford and Maidstone - - -	1	5
	Sevenoaks - - - -	2	47, 49
	Tonbridge and Maidstone - -	2	34
	Wrotham Heath - - - -	2	32
	Wrotham and Maidstone - -	2	31
Lancaster -	Pendleton Roads - - - -	4	96
	Penwortham and Wrightington -	4	79

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County.	Name of Trust.	No. of Schedule.	No. of Act.
Leicester -	Burton Bridge and Market Bosworth -	4	85
Lincoln -	Foston Bridge and Witham Common -	4	84
	Leadenham and Southwell, Eastern District	2	29
Norfolk -	Lynn and Wisbech - - -	4	74
	New Buckenham - - -	2	43
	Norwich, Swaffham, and Mattishall -	4	91
	Norwich and Watton - - -	2	42
	Thetford - - - - -	2	18
North-ampton.	Dunchurch - - - -	4	81
	Northampton to Newport Pagnell -	3	54
	Stamford and Kettering - - -	3	60
	Wansford and Stamford - - -	4	75
	Warwick and Northampton - -	4	89
Nottingham	Bawtry and Scrooby - - -	4	62
	Bingham - - - - -	4	69
	Dunham Ferry - - - -	2	13
	Foston Bridge and Little Drayton -	4	68
	Nottingham and Derby, Eastern District	4	80
	Nottingham and Newhaven, First District (part).	3	61
Oxford -	Barrington and Campsfield - -	2	46
	Gosford Road - - - -	4	70
Somerset -	Bridgewater - - - -	4	72
	Frome - - - - -	4	86
	Wells and Highbridge - - -	3	57
Stafford -	Ashby-de-la-Zouch to Tutbury - -	4	78
	Birmingham and Wednesbury - -	4	86*a*
	Lichfield (part) - - -	2	41
	Newport and Stonnall - - -	2	24
	Walsall (United) - - - -	2	36
	Walsall and Hamstead - - -	2	38
	Wolverhampton, Old (part) - -	2	39
Suffolk -	Bury St. Edmunds and Newmarket -	2	45
	Claydon, Blakenham, &c. - -	2	11, 12
Surrey -	Epsom - - - - -	3	53
	Kingston and Sheetbridge, Lower District.	3	59
	Kingston and Sheetbridge, Upper District.		
	Limpsfield - - - -	2	14
Sussex -	Cowfold and Henfield (Branch) - -	1	4
	Lewes and Brighthelmstone - -	4	90
Warwick -	Ansley and Whitacre - - -	2	37
	Dunchurch and Stonebridge - -	4	77

County.	Name of Trust.	No. of Schedule.	No. of Act.
Wilts -	Beckhampton - - - - -	2	20
	Chippenham - - - - -	2	19
	Corsham - - - - -	2	35
	Fisherton, Wilton, &c. - - -	2	17
	Sarum and Eling, Eling District -	3	56
	Sarum and Eling, Lobcombe District		
	Trowbridge - - - - -	5	99
	Warminster - - - - -	3	55
Worcester	Tenbury - - - - -	4	73
	Worcester:	4	92, 95
	Barbourne Roads (7th Dist.)		
	Bransford Roads (4th „)		
	Broadwas Roads (5th „)		
	Henwick & Martley Rds. (6th „)		
	London & Stonebow Rds. (1st „)		
	Powick Roads (3rd „)		
	Upton Roads (2nd „)		
York -	Boroughbridge and Durham (part) -	4	88
	Doncaster and Bawtry - - -	4	87
	Halifax and Sheffield, Huddersfield to Penistone.	2	22
	Halifax and Sheffield, Third District -	1	6
	Harrogate and Boroughbridge - -	2	21
	Kirkstall, Otley, and Shipley - -	4	94
	Leeds and Wakefield - - -	2	23
	Malton and Pickering - - -	2	28
	Rotherham and Swinton - - -	1	3
	Rotherham and Wentworth - -	1	2
	Sheffield and Tinsley - - -	1	8, 9
	Wakefield and Halifax - - -	3	51
	Wellington and Tong Lane End - -	1	4*a*
	Wetherby and Knaresbrough - -	4	76
	Wortley, Armley, and Bramley - -	1	7
	Wortley and Pudsey - - -	1	4*a*
	York and Boroughbridge - - -	4	66
Denbigh -	Llanrwst - - - - -	4	93

FIRST SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1869.

Date of Act.	Title of Act.
56 G. 3. c. xxxi. - *Limited to expire on 30 June 1870.*	1. An Act for continuing the term and altering and enlarging the powers of an Act of the fortieth year of His present Majesty, for improving the roads leading from the town of Leominster in the county of Hereford.
6 G. 4. c. lii. - - *Limited to expire on 30 June 1870.*	2. An Act for amending and repairing the turnpike road leading from the north end of the town of Rotherham to the east side of Tankersley Park in the county of York.
7 & 8 G. 4. c. lviii. - *Limited to expire on 30 June 1870.*	3. An Act for amending, repairing, and maintaining the turnpike road from Rotherham to Swinton in the West Riding of the county of York.
11 G. 4. c. civ. - - *Limited to expire on 30 June 1870.*	4. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex; *so far as the same relates to the Branch Road.*
5 W. 4. c. xxxvi. - *Limited to expire at end of session after 1 Nov. 1869.*	4*a*. An Act for repairing and maintaining the road from the Wellington Bridge Road in the parish of Leeds to Tong Lane End in the parish of Birstal, and other roads branching therefrom, and for making and maintaining a new road from the aforesaid road at Swallow Hill in the township of Wortley to Pudsey, all in the West Riding of the county of York.
6 W. 4. c. l. - *Limited to expire on 30 June 1870.*	5. An Act for the more effectually repairing, improving, and maintaining the road from the town of Ashford to the town of Maidstone in the county of Kent.
7 W. 4. c. xxxiii. - *Limited to expire at end of session after 1 Nov. 1869.*	6. An Act for widening and improving the road from Halifax to Sheffield in the West Riding of the county of York, so far as relates to the third district of the said road; and for diverting the said district of road, and making a new line of road therefrom.
1 & 2 Vict. c. xciii. - *Limited to expire at end of session after 1 November 1869.*	7. An Act for repairing and maintaining the road from the Leeds and Halifax Turnpike Road at Stanningley to the bridge over the Leeds and Liverpool Canal, and making and maintaining a continuation of the same road to Water Lane in Leeds, and other roads communicating therewith, all in the West Riding of the county of York.

Date of Act.	Title of Act.
4 & 5 Vict. c. cix. - *Limited to expire at end of session after 8 July 1872.*	8. An Act for repairing the turnpike road from Tinsley to Doncaster, and for making certain new lines of road to communicate with the same, all in the West Riding of the county of York; *so far as the same relates to the Sheffield and Tinsley Road.*
12 & 13 Vict. c. lxiv. *Limited to expire at end of session after 8 July 1872.*	9. An Act to extend the present Tinsley and Doncaster turnpike road from Tinsley to Sheffield, and for other purposes.
17 Vict. c. xlvii. - *Limited to expire at end of session after 2 June 1875.*	10. An Act to renew the term and continue certain of the powers of an Act passed in the seventh year of the reign of His Majesty King George the Fourth, intituled "An Act for making and maintaining a "turnpike road from South Shields to White Mere "Pool, and from thence to join the Durham and "Newcastle turnpike road at Vigo Lane, with a "branch from Jarrow Slake to East Boldon, all in "the county of Durham."

SECOND SCHEDULE.

Acts which are to expire at the Date (30th June 1870) mentioned in 31 & 32 Vict. c. 99.

Date of Act.	Title of Act.
33 G. 3. c. cxxviii. -	11. An Act for more effectually repairing the roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, at the end of the bounds of the parish of Hawleigh, and from Yaxley Bull to Eye, and from Eye to Lanthorn Green, in the county of Suffolk.
51 G. 3. c. cviii. -	12. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the roads from Ipswich to the Scole Inn Road, and from Claydon to the Bury St. Edmund's Road, and from Yaxley Bull to Eye and Lanthorn Green, in the county of Suffolk.
53 G. 3. c. xii. -	13. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing and widening the road from Dunham Ferry to the South End of Great Markham Common in the county of Nottingham.

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Date of Act.	Title of Act.
53 G. 3. c. xliii. -	14. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from the Eaton Bridge turnpike road at Cockham Hill in the parish of Westerham in the county of Kent to the turnpike road from Croydon to Godstone in the county of Surrey.
54 G. 3. c. xvii. -	15. An Act for enlarging the term and powers of two Acts, passed in the twelfth and thirty-third years of His present Majesty, for repairing the road from the parish of Cardington to the Great Northern Road near Temsford Bridge in the county of Bedford, and for making and maintaining a road branching out of the same at Roxton Hill to the South End of the turnpike road leading from Bedford to Kimbolton in the county of Huntingdon.
54 G. 3. c. cxxiv. -	16. An Act for repairing the road from Saint Lloyds in the town of Bedford in the county of Bedford to the turnpike road leading from Olney to Newport Pagnell in the county of Buckingham.
55 G. 3. c. lxii. -	17. An Act for enlarging the term and powers of four Acts of His present Majesty, for repairing several roads leading from Fisherton, Wilton, Heytesbury, and other places in the county of Wilts, and for diverting the line of part of the said roads.
56 G. 3. c. lxviii. -	18. An Act for enlarging the term and powers of several Acts for amending the road from the end of the Town Close in the County of the city of Norwich to the Chalk Pits near Thetford in the county of Norfolk.
58 G. 3. c. xliii. -	19. An Act for more effectually repairing and improving the road leading from Studley Bridge, through the borough of Chippenham, to Pickwick, and from the East End of Chippenham Bridge to Lower Stanton, and from the East End of the said bridge to join the road at Draycot Cerne in the county of Wilts.
58 G. 3. c. lxxxii. -	20. An Act to continue the term and enlarge the powers of an Act of His present Majesty, for repairing the road at or near Beckhampton and other roads in the said Act mentioned in the county of Wilts ; *so far as the same relates to the Beckhampton or First District of Road.*
59 G. 3. c. i. -	21. An Act to continue the term and alter and enlarge the powers of three Acts of His late and present Majesty's reign, for repairing the roads therein respectively mentioned and described, in the county of York, so far as the said Acts relate to the road leading from the south-west corner of the inclosures of Harrogate, through Knaresborough to Boroughbridge.

Date of Act.	Title of Act.
59 G. 3. c. xci. -	22. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from Huddersfield to Penistone in the county of York.
1 & 2 G. 4. c. v. -	23. An Act for amending and repairing the road from Leeds to Wakefield in the county of York.
1 & 2 G. 4. c. xxxii.	24. An Act for continuing and amending three Acts of Their late Majesties King George the Second and King George the Third, for repairing the road from Newport in the county of Salop to Welsh Harp in the township of Stonnall in the county of Stafford.
1 & 2 G. 4. c. cix. -	25. An Act to continue the term and alter and enlarge the powers of three Acts, so far as relates to the roads from the top of Crickley Hill in the county of Gloucester, to and through Northleach, Burford and Witney, to Campsfield, and the turnpike road at or near Enslow Bridge in the county of Oxford.
3 G. 4. c. lii. -	26. An Act for more effectually making, repairing, and improving the road leading from Reading in the county of Berks to Basingstoke in the county of Southampton.
5 G. 4. c. cxlii. -	27. An Act for amending and widening the roads leading from Stretford's Bridge in the county of Hereford to the Cross Moor or Long Meadow End in the county of Salop, and other roads therein mentioned in the said county of Hereford.
6 G. 4. c. clviii. -	28. An Act for amending and maintaining the road from the north end of Old Malton Gate in the town and borough of New Malton to the town of Pickering in the county of York.
7 G. 4. c. xxiv -	29. An Act for more effectually repairing the roads from Littlegate at the top of Leadenham Hill in the county of Lincoln to Newark-upon-Trent, and from Newark-upon-Trent to Mansfield, and from Southwell to the south end of the town of Oxton in the county of Nottingham; *so far as the same relates to the Eastern District.*
7 & 8 G. 4. c. lxii. -	30. An Act for more effectually repairing and improving the road from Frodsham to the south end of Wilderspool Causeway, within Appleton, in the county Palatine of Chester; and for making and maintaining a certain extension or new branch of road to communicate therewith.

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Date of Act.	Title of Act.
9 G. 4. c. xviii. -	31. An Act for more effectually repairing the road from Footscray, by Wrotham Heath, to Maidstone, and from the said road into the road from Mereworth to Hadlow, and for making and maintaining a road from the said road at Wrotham Heath to Teston, and from the said road from Mereworth to Hadlow to Saint Leonard's Street in the parish of West Malling, all in the county of Kent.
10 G. 4. c. xx. -	32. An Act for more effectually improving and repairing the road leading from the turnpike road at Wrotham Heath in the county of Kent to the turnpike road leading from Croydon to Godstone in the county of Surrey.
10 G. 4. c. liii. -	33. An Act for repairing the road from the East end of the town of Newmarket over Newmarket Heath to the turnpike road to Stump Cross in the counties of Cambridge and Suffolk, and the road branching out of the aforesaid road near the Devil's Ditch on Newmarket Heath to the present turnpike road to Cambridge.
10 G. 4. c. lxii. -	34. An Act for repairing the road leading from Tonbridge to Maidstone in the county of Kent.
10 G. 4. c. lxxxiii. -	35. An Act for consolidating the trusts of certain roads called "The Blue Vein and Bricker's Barn Turnpike Roads," in the counties of Wilts and Somerset, and for more effectually repairing and improving the same.
11 G. 4. & 1 W. 4. c. cvi.	36. An Act for improving and maintaining the road leading from Walsall to Muckley Corner near Lichfield, and other roads, in the county of Stafford.
1 W. 4. c. xiv. -	37. An Act for repairing the Watling Street road, the Mancester and Wolvey Heath road, and other roads communicating therewith, in the counties of Leicester and Warwick, *so far as the same relates to the Ansley and Whitacre district of road.*
1 W. 4. c. xlvi. -	38. An Act for improving and maintaining several roads leading to and from the town of Walsall in the county of Stafford.
1 & 2 W. 4. c. xxv. -	39. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford, *so far as the same relates to the Walsall and Bilston branches of the Old District, from the junction of the Shiffnall and Bridgnorth branches at Chapel Ash in Wolverhampton.*

Date of Act.	Title of Act.
2 W. 4. c. lxxi. -	41. An Act for more effectually repairing the first district of the road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and several other roads in the counties of Warwick and Stafford and city and county of the city of Lichfield; *so far as the same relates to the road from Coleshill, through Lichfield, to the end of the parish of Longdon, or "Coleshill to Brereton Road," and to the road from the south-western entrance into Featherbed Lane to and through Tewnal's Lane to High Bridges and Yoxall Bridge or "Tewnal's Lane road."*
3 W. 4. c. xv. - -	42. An Act for more effectually repairing the road from the city of Norwich to the Windmill in the town of Watton in the county of Norfolk, and for making a new branch of road to communicate therewith.
3 W. 4. c. xxxix. -	43. An Act for more effectually repairing, altering, widening, and otherwise improving the road from Ber Street gates in the city of Norwich to New Buckenham in the county of Norfolk.
3 W. 4. c. lvi. -	44. An Act for more effectually repairing the road from the North end of the road called the Coal Road, near West Auckland in the county of Durham, to the Elsdon Road, near Elishaw in the county of Northumberland.
3 & 4 W. 4. c. xcviii.	45. An Act for more effectually repairing the road from Bury Saint Edmunds to Newmarket in the counties of Suffolk and Cambridge.
4 & 5 W. 4. c. xciv. -	46. An Act for making, improving, and keeping in repair the roads leading from Barrington to Campsfield and Enslow Bridge in the county of Oxford.
5 W. 4. c. xx. -	47. An Act for repairing the road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent, and for making several diversions in the said road.
5 W. 4. c. xxxix. -	48. An Act for more effectually repairing and improving the road from the town of Hitchin, through Shefford, to the turnpike road from Saint Albans to Bedford, and also the road from the turning out of the said road to Henlow and Gerford Bridge, and other roads therein mentioned, in the counties of Hertford and Bedford.
6 W. 4. c. ii. -	49. An Act to amend an Act passed in the fifth year of the reign of His present Majesty, for repairing the road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent; and for making a new line of road to communicate therewith.

A.D. 1869.

Date of Act.	Title of Act.
6 W. 4. c. xlix. -	50. An Act for more effectually repairing the roads from Harlow Bush Common to and into the parish of Woodford, and the road from Epping to Writtle, and other roads therein mentioned, all in the county of Essex.

THIRD SCHEDULE.

Acts which are to be repealed on or after the date (30th June 1870) mentioned in 31 & 32 Vict. c. 99.

Date of Act.	Title of Act.
1 Vict. c. xliii. - *Limited to expire at End of Session after* 11 *June* 1869.	51. An Act for repairing and maintaining the roads leading from Wakefield to Halifax, and from near Hipperholm Bar to near Stump Cross, all in the West Riding of the county of York.
1 & 2 Vict. c. xlix. - *Limited to expire at End of Session after* 4 *July* 1869.	52. An Act for repairing the road from Maulden Wood Corner to Westwood Gate in the county of Bedford.
2 Vict. c. iv. - - *Limited to expire at End of Session after* 6 *May* 1870.	53. An Act for repairing the road from Epsom to Tooting, and other roads communicating therewith, all in the county of Surrey.
2 Vict. c. xiii. - *Limited to expire at End of Session after* 4 *June* 1870.	54. An Act for repairing the road from Cotton End near the town of Northampton to Newport Pagnel in the county of Buckingham.
3 Vict. c. xxi. - *Limited to expire at End of Session after* 3 *April* 1871.	55. An Act for making and repairing several roads in and leading to and from the town of Warminster in the county of Wilts.
3 Vict. c. xxxiv. - *Limited to expire at End of Session after* 8 *June* 1871.	56. An Act for repairing and improving the roads from Lobcombe Corner in the parish of Winterslow, to the city of New Sarum in the county of Wilts, and from the said city to Landford, and other roads in the county of Southampton.

Date of Act.	Title of Act.
4 & 5 Vict. c. xcviii. *Limited to expire at End of Session after July* 1872.	57. An Act for more effectually widening and improving the road from Wells to Highbridge, with a road thereout to Cheddar, all in the county of Somerset.
4 & 5 Vict. c. cxi. - *Limited to expire at End of Session after* 7 *July* 1872.	58. An Act for repairing and maintaining the road from the Mayor's Stone in Abingdon to Chilton Pond in the county of Berks.
15 & 16 Vict. c. cxxiii. *Limited to expire at End of Session after* 26 *October* 1873.	59. An Act to repeal the Act relating to the road from the town of Kingston-upon-Thames in the county of Surrey to Sheetbridge near Petersfield in the county of Southampton; and to make other provisions in lieu thereof.
17 & 18 Vict. c. cix. *Limited to expire at End of Session after* 1 *November* 1875.	60. An Act to repeal an Act for enlarging the term and powers of an Act of His late Majesty George the Third, for repairing the road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton Lane, in the county of Northampton; and to make other provisions in lieu thereof; *so far as the same relates to the Stamford and Kettering, or First District.*
18 & 19 Vict. c. xcii. *Limited to expire at End of Session after* 1 *January* 1877.	61. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act; and for other purposes; *so far as the same relates to the portion of road extending from Pye Bridge to the western terminus of the First District.*

A.D. 1869.

FOURTH SCHEDULE.

Acts which are to continue until the 1st of November 1870, unless Parliament in the meantime otherwise provides.

Date of Act.	Title of Act.
53 G. 3. c. xi. - -	62. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing and widening the road from Bawtry in the county of York to East Markham Common in the county of Nottingham, and from Little Drayton to Twyford Bridge in the said county of Nottingham.
53 G. 3. c. xxv. -	63. An Act for continuing and amending an Act of His present Majesty, for repairing the roads leading from Bowes in the county of York, through Barnard Castle and Bishop Auckland, to join the Great North Road near Sunderland Bridge in the county of Durham.
56 G. 3. c. xxxiii. -	64. An Act to rectify a mistake in an Act of the fifty-third year of His present Majesty, for repairing the roads from Bowes in the county of York to join the Great North Road near Sunderland Bridge in the county of Durham.
57 G. 3. c. lxviii. -	65. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from Cambridge to the Old North Road, near Arrington Bridge in the county of Cambridge.
58 G. 3. c. ii. -	66. An Act to continue the terms and alter and enlarge the powers of three Acts passed in the twenty-third year of the reign of His late Majesty King George the Second, and in the eleventh and thirty-seventh years of His present Majesty's reign, for repairing the road from the city of York to Boroughbridge in the county of York.
1 & 2 G. 4. c. xvii. -	67. An Act for continuing and amending four Acts of their late Majesties King George the Second and King George the Third, for repairing the roads leading from Wades Mill in the county of Hertford to Barley and Royston in the said county.
1 & 2 G. 4. c. xxix. -	68. An Act for continuing the term and amending, altering, and enlarging the powers of an Act of His late Majesty's reign for more effectually repairing the Road from Foston Bridge in the county of Lincoln to Little Drayton in the county of Nottingham.

Date of Act.	Title of Act.
1 & 2 G. 4. c. xxx. -	69. An Act for more effectually repairing and improving the road from Newark-upon-Trent in the county of Nottingham, to join the road from Nottingham to Grantham in the county of Lincoln, near the Guide Post on the Foss Road near Bingham in the said county of Nottingham.
1 & 2 G. 4. c lxxxvi.	70. An Act to continue and amend two Acts for repairing the road from the turnpike road near the town of Weston-on-the-Green in the county of Oxford to the turnpike road on Kidlington Green in the said county.
3 G. 4. c. xlviii. -	71. An Act for more effectually repairing and widening the roads from Spann Smithy, through Middlewich and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to Northwich in the county palatine of Chester.
3 G. 4. c. lxv. -	72. An Act to repeal several Acts passed for repairing several roads leading to the town of Bridgewater in the county of Somerset, and several other roads therein mentioned, so far as the said Acts relate to the roads leading to the said town, and to consolidate and comprise the same in one Act of Parliament.
4 G. 4. c. xxv. -	73. An Act for more effectually amending, widening, and keeping in repair several roads in and near to the town of Tenbury in the counties of Salop, Worcester, and Hereford, and the roads leading from the Knowle Gate to the turnpike road on the Clee Hill, and from Kyre Mill to the turnpike road leading from Bromyard to Tenbury.
4 G. 4. c. lv. - -	74. An Act for more effectually amending the roads from the Little Bridge over the end of the drain near Wisbeach River, lying between Roper's Fields and the Bell Inn in Wisbeach in the Isle of Ely, to the west end of Long Bridge in South Lynn in the borough of King's Lynn in the county of Norfolk, and for amending, improving, and keeping in repair certain other roads therein mentioned, in the said county of Norfolk.
4 G. 4. c. cxi. -	75. An Act for more effectually repairing the road from Wansford Bridge in the county of Northampton to Stamford, and from Stamford to Bourn in the county of Lincoln; *so far as the same relates to the Wansford District.*
5 G. 4. c. viii. - -	76. An Act for amending, improving, and keeping in repair the roads leading from Wetherby to Knaresborough in the West Riding of the county of York.

Date of Act.	Title of Act.
5 G. 4. c. xliii. -	77. An Act for repairing the road from Dunchurch to Stonebridge in the county of Warwick.
5 G. 4. c. ci. -	78. An Act for more effectually repairing the road from Ashby-de-la-Zouch in the county of Leicester, through Burton-upon-Trent in the county of Stafford, to Tutbury in the said county of Stafford.
6 G. 4. c. ii. - -	79. An Act for repairing and maintaining the road from Penwortham Bridge to the boundary between the townships of Wrightington and Shevington, and the road from Lydiate Lane End to a bridge called Little Hanging Bridge, all in the county of Lancaster.
7 & 8 G. 4. c. xxvii. -	80. An Act for more effectually repairing and otherwise improving the road from the east end of Chapel Bar in Nottingham to the New China Works near Derby, and from the Guide Post in the parish of Lenton to Sawley Ferry, all in the counties of Nottingham and Derby; *so far as the same relates to the Eastern Division.*
7 & 8 G. 4. c. liv. -	81. An Act for repairing the road from Dunchurch to Hillmorton in the county of Warwick, and from thence to Saint James's End in the parish of Duston in the county of Northampton.
9 G. 4. c. x. - -	82. An Act for more effectually repairing and improving the roads leading to and from the port, harbour, and town of Whitehaven in the county of Cumberland.
10 G. 4. c. xxi. -	83. An Act for more effectually repairing, widening, and improving the road from Harlow Bush Common in the parish of Harlow in the county of Essex to Stump Cross in the parish of Great Chesterford in the same county, and for making and maintaining two new lines of road communicating therewith.
11 G. 4. & 1 W. 4. c. xc.	84. An Act for repairing the road from Foston Bridge to the Division Stone on Witham Common in the county of Lincoln.
1 W. 4. c. x. -	85. An Act for repairing the road from Burton Bridge in the county of Stafford to Market Bosworth in the county of Leicester.
1 & 2 W. 4. c. lxvi. -	86. An Act for better repairing and improving several roads leading to and from the town of Frome in the county of Somerset.
2 W. 4. c. vi. -	86 *a*. An Act for more effectually maintaining and improving the roads from Birmingham to Wednesbury, and to Great Bridge, and from thence to the Portway adjoining the Bilston and Wednesbury turnpike road, and to Nether Trindle near Dudley, and from Trouse Lane in the parish of Wednesbury to Darlaston, in the counties of Warwick, Stafford, and Worcester;

Date of Act.	Title of Act.	A.D. 1869.
	and for making new branches of road communicating therewith.	
2 W. 4. c. xx. -	87. An Act for more effectually repairing and otherwise improving the road from Doncaster to Bawtry in the county of York.	
2 W. 4. c. xxii. -	88. An Act for more effectually repairing the road leading from Boroughbridge in the county of York to the city of Durham, and for making and maintaining certain deviations therein.	
2 W. 4. c. xcviii. -	89. An Act for repairing and improving the road from the Great Bridge in the borough of Warwick, through Southam and Daventry, to the town of Northampton.	
3 W. 4. c. xliii. -	90. An Act for more effectually repairing the road from Lewes to Brighthelmstone in the county of Sussex.	
5 W. 4. c. xl. -	91. An Act for more effectually repairing the road from Saint Benedict's Gate in the county of the city of Norwich to Swaffham in the county of Norfolk, and from Halfpenny Bridge in Honingham to the Bounds of Yaxham, and also a lane called Hangman's Lane, near the gates of the said city.	
5 & 6 W. 4. c. lxiii. -	92. An Act for improving and more effectually repairing the several roads leading into and from the city of Worcester; *so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.*	
7 W. 4. c. xxxv. -	93. An Act for more effectually repairing, improving, and maintaining certain roads leading to and from the town of Llanrwst in the county of Denbigh.	
1 & 2 Vict. c. lxxvii.	94. An Act to vary and alter the lines of the Kirkstall, Ilkley, and Shipley district of road, and for making a new road from the Otley branch road in the said district to Burley in the parish of Otley, all in the West Riding of the county of York.	
11 & 12 Vict. c. cxxxvii.	95. An Act to enable the trustees of the Worcester Turnpike Road to make certain new roads, and to improve and more effectually maintain the several roads leading into and from the city of Worcester; *so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.*	
16 & 17 Vict. c. cxxxv.	96. An Act for more effectually repairing and improving several roads leading to and from the town of Salford, through Pendleton, and other places in the county palatine of Lancaster.	

A.D. 1869.

FIFTH SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1870, unless Parliament in the meantime otherwise provides.

Date of Act.	Title of Act.
2 Vict. c. xxii. - *Limited to expire at End of Session after 1 September 1870.*	97. An Act for more effectually repairing and improving the road from Wearmouth Bridge to Tyne Bridge, with a branch from the said road to the town of South Shields, all in the county of Durham.
4 Vict. c. xxxiii. - *Limited to expire at End of Session after June 1872.*	98. An Act for more effectually repairing the road from Cranford Bridge to Maidenhead Bridge, with roads thereout to Eton Town End, and to the Great Western Railway, and from Langley Broom to Datchet Bridge, all in the counties of Middlesex and Bucks.
17 & 18 Vict. c. lxxv. *Limited to expire at End of Session after 1 November 1875.*	99. An Act to create a further term in the Trowbridge roads, to add other roads to the trust, to amend and extend the Act relating to the said roads; and for other purposes.

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CHAP. 91.

An Act for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient that the expenditure for the courts of justice should be (so far as may be) defrayed out of moneys to be provided for that purpose by Parliament, or out of the Consolidated Fund:

And whereas in the second part of the first and second schedules to this Act there are shown the stock and cash which on the several days mentioned in those schedules belonged to the Courts of Chancery and Bankruptcy (as distinguished from the stock securities and cash which are the property of the suitors therein):

And whereas the charges on such stock and cash are shown in the third and fourth schedules to this Act:

And whereas it is expedient that on the charges thereon being transferred to the Consolidated Fund or moneys provided by Parliament, the said stock and cash should be transferred to the public:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Courts of Justice (Salaries and Funds) Act, 1869."

Commencement of Act.

2. This Act shall not come into operation until the first day of October one thousand eight hundred and sixty-nine, which date is herein-after referred to as the commencement of this Act.

Definition of terms.

3. In this Act—

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them:

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The term "Court of Chancery" means the High Court of Chancery of England, and includes all offices mentioned in the third schedule to this Act:

The term "Court of Admiralty" means the High Court of Admiralty of England:

The term "Court of Bankruptcy" means, except where otherwise expressly mentioned, the Court of Bankruptcy in London as constituted at the passing of this Act and the District Courts of Bankruptcy, and includes any Court, whether constituted before or after the commencement of this Act, which for the time being exercises the powers of the late Court for the Relief of Insolvent Debtors in England, so far as relates to such late Court.

Court of Chancery.

Transfer of stock and cash to National Debt Commissioners.

4. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant General, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant General of the Court of Chancery to the credit of any of the accounts described in the second part of the first schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of Consolidated Fund to suitors of Court of Chancery.

5. After the commencement of this Act the Consolidated Fund shall, to the same extent as the stock and cash so transferred, be liable to make good to the suitors of the Court of Chancery the debts which at the commencement of this Act may be due to them in cash from the Court of Chancery in manner stated in the first part of the first schedule to this Act, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant General.

6. Whenever the Lord Chancellor certifies in writing to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant General of the Court of Chancery is less than three hundred thousand pounds, or such other sum as may be from time to time fixed by the Lord Chancellor, with the concurrence of the Treasury (regard being had to the amount required for carrying on the business of the office of the Accountant General, and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid

into the Bank of England to the credit and with the privity of the said Accountant General to be applied by him as part of the common and general cash of the suitors of the said court, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of five hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid, and the liability of the Consolidated Fund under this Act shall be diminished by the amount of the sum so paid.

Whenever the said cash balance exceeds the sum of five hundred thousand pounds, or such other sum as may be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor (to be made on the written requisition of the Treasury), and without any draft from the Accountant General, or any act to be done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of any sum so transferred to make good to the suitors of the Court of Chancery any sum of cash due from the court to them.

The said Accountant General shall keep an account in his books showing the amount of the debts due from the Consolidated Fund to the suitors of the Court in respect of all sums of stock and cash transferred to the said Commissioners under this Act.

As to unclaimed dividends under sect. 3. of 16 & 17 Vict. c. 98.

7. Where the Lord Chancellor, in pursuance of section three of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-eight, "for the "further relief of the suitors of the High Court of Chancery," makes an order for carrying any dividends or cash to the credit of "the suitors unclaimed dividend account," the dividends and cash so carried over shall be paid into the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund. On any order made by the Court, under section two of the same Act, for paying to a suitor any dividends or cash so carried over, the Treasury shall, if required in writing by the Lord Chancellor, out of the growing produce of the Consolidated Fund, pay the same into the Bank with the privity of the Accountant General of the Court of Chancery to the credit of the account from which such dividends were carried.

Income of Court of Chancery to go to

8. After the commencement of this Act the rent of any of the Masters offices in Southampton Buildings, Chancery Lane, all brokerage payable by the broker of the Court of Chancery to the

A.D. 1869.

Consolidated Fund.

credit of the suitors fee fund, and all sums for rent received by the solicitor to the suitors fund, and payable by him to the credit of any of the accounts or funds mentioned in part two of the first schedule to this Act, and all moneys which, but for the passing of this Act, would be payable to the credit of any of the said accounts or funds, shall be paid into the receipt of Her Majesty's Exchequer at such times and in such manner as the Treasury may direct, and shall be carried to the Consolidated Fund.

Court of Bankruptcy.

Transfer of stock and cash to National Debt Commissioners.

9. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant in Bankruptcy, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant in Bankruptcy to the credit of any of the accounts described in the second part of the second schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.

10. After the commencement of this Act the Consolidated Fund shall be liable to make good the debts due in cash from the Court of Bankruptcy in respect of the estates of bankrupts, in manner stated in the first part of the second schedule to this Act, and the debts due in cash from the late Court for the Relief of Insolvent Debtors in England in respect of estates of insolvent debtors, in manner stated in the first part of the same schedule, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant in Bankruptcy.

11. Whenever the Lord Chancellor certifies to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant in Bankruptcy is less than fifty thousand pounds, or such other sum as may from time to time be fixed by the Lord Chancellor, with the concurrence of the Treasury, (regard being had to the amount required for carrying on the business of the office of the Accountant and to the proper remuneration of the Bank of England,) the Treasury shall forthwith cause to be paid into the Bank of England to the credit of the Accountant to be applied by him as part of such cash balance, such sum out of the growing produce of the Consolidated Fund as may

be required to make up the said cash balance to the sum of one hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid. A.D. 1869.

Whenever the said cash balance exceeds the sum of one hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, on an order of the Lord Chancellor to be made on the written requisition of the Treasury, and without any draft from the Accountant, or act done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of the sum so paid to make good any sum of cash due from the Court of Bankruptcy in respect of estates of bankrupts and insolvents.

If under any Act passed in the present session any of the duties previously performed by the Accountant in Bankruptcy are transferred to any other officer, the provisions of this section shall apply in the same manner as if they had been separately enacted with respect to such officer and his office and the duties to be performed by him, and such officer had been named herein instead of the said Accountant.

Salaries, Pensions, &c.

Salaries of judges charged on Consolidated Fund.

12. After the commencement of this Act the salaries and pensions of the judges mentioned in the first parts of the third and fourth schedules to this Act shall be paid out of the Consolidated Fund.

Compensations, pensions, salaries, &c. charged on annual votes.

13. After the commencement of this Act all compensations, pensions, retiring annuities, and superannuation allowances, at that date charged on any of the stock or cash standing to any of the accounts mentioned in the first and second schedules to this Act, or on the interest of any such stock, and the salaries, charges, and payments described in the second parts of the third and fourth schedules to this Act, and the salaries of and all pensions and superannuation allowances which may be granted to existing and future officers, clerks, and persons employed in the Court of Chancery or the Court of Bankruptcy, and the expenses and contingencies of those courts and of the offices therein, and all other sums payable under any Act relating to such courts, out of any of the stock and cash transferred under this Act, or the interest of such stock, including sums payable in pursuance of section sixteen of The Courts of Justice Building Act, 1865 (which relates to the purchase of compensation allowances), and also all arrears of such

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compensations, pensions, annuities, allowances, salaries, charges, and payments accrued before the commencement of this Act, shall be paid out of moneys provided by Parliament for the purpose.

All compensations, pensions, annuities, allowances, and salaries payable under this section shall be deemed to accrue from day to day, but shall be payable on such days as the Treasury may from time to time appoint.

If the moneys provided by Parliament are at any time insufficient for the purposes mentioned in this section, the Consolidated Fund shall be liable to make good such deficiency to the same extent to which the stock and cash, and the interest of such stock, transferred under this Act, or the income thereof, are liable at the commencement of this Act.

Nothing in this Act shall deprive any person who at the commencement of this Act enjoys any compensation, pension, retiring annuity, superannuation allowance, or salary mentioned in this section, of his right to continue to receive the same compensation, pension, retiring annuity, superannuation allowance, or salary, or of any right he may have to receive any progressive or prospective increase of salary or to obtain any promotion or succession, or any pension, retiring annuity, or superannuation allowance, and nothing in this Act shall affect or diminish any such right.

Officers of Court.

Appointment of officers.

14. The Treasury may from time to time, by order made with the concurrence of the Lord Chancellor, and also with the concurrence of the Master of the Rolls in the case of officers who are appointed or whose salaries are fixed by the Master of the Rolls, either solely or jointly with the Lord Chancellor, and with the concurrence of the Judge of the Court of Admiralty in the case of the officers of that court, increase or diminish the number of officers in the Courts of Chancery, Bankruptcy, and Admiralty, and the amounts of the salaries of such officers, and determine the conditions on which they are to hold their offices, and regulate the expenses and contingencies incurred in respect of the said courts or the officers belonging thereto.

Any officer appointed after the commencement of this Act shall take his office subject to any order that may thereafter be made under this section in relation to the abolition or modification of his office, but no order made under this section shall, without his consent, apply to any officer holding office at the date of the commencement of this Act, and when the conditions on which any officer is to hold his office, and the salary to be paid to him, have

been determined by any order under this section for the time being in force, no subsequent order under this section shall apply to such officer without his consent. A.D. 1869.

Any order made under this section shall be laid before both Houses of Parliament within fourteen days after it is made, if Parliament be then sitting, or if not, within fourteen days after the commencement of the next session. It shall also be published in the London Gazette, and when so published shall be of the same force as if it were enacted in this Act, but subject to being varied or repealed from time to time by other orders made in like manner under this Act, and any enactment inconsistent with such order shall be repealed from and after the date of any such publication.

The term "officer" in this section means all officers, clerks, messengers, and persons who are mentioned in the second parts of the third and fourth schedules to this Act, or are for the time being employed in the said Courts of Chancery, Bankruptcy, and Admiralty, or any of them, or the offices connected therewith.

Buildings.

Courts and buildings.

15. The building in Basinghall Street in the City of London known as the Court of Bankruptcy, and the buildings in Portugal Street, Lincoln's Inn Fields, formerly known as the Court for Relief of Insolvent Debtors, (and occupied at the commencement of this Act by the officers of that Court, and by the Land Registry and the Courts of Justice Commission,) shall, with the sites thereof, continue vested in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

On the commencement of this Act all the rights and interest of the District Commissioners in the buildings then used for the District Courts of Bankruptcy, and in all other buildings vested in the District Commissioners as such, and in the sites thereof, and in all furniture and effects belonging to the District Courts, and the offices thereof, shall be transferred to and vest in the Commissioners of Her Majesty's Works and Public Buildings, and the same shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

Fees.

Alteration of fees in Court of Chancery.

16. After the commencement of this Act the Lord Chancellor, with the advice and consent of the Lords Justices of Appeal, Master of the Rolls, and Vice-Chancellors, or any three of them, and with

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the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees and per-centages (including the per-centage on estates of lunatics), and appoint new fees to be taken in relation to proceedings in the Court of Chancery, or in any of the offices mentioned in the third schedule to this Act.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Admiralty.

17. After the commencement of this Act, the Judge of the Court of Admiralty may from time to time by order, with the concurrence of the Treasury, increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Admiralty.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Bankruptcy.

18. After the commencement of this Act the Lord Chancellor, with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Bankruptcy.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees to be taken by stamps.

19. After the commencement of this Act all fees whatever, or payments in the nature or lieu of fees, for the time being payable in the Courts of Chancery, Admiralty, and Bankruptcy, or any of the offices therein, including the per-centage payable out of estates of lunatics, shall, except so far as the Lord Chancellor may from time to time otherwise by order direct, be taken by means of stamps, and if taken in money in pursuance of any such order shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

Stamp to be impressed or adhesive.

20. All or any stamps to be used under this Act shall be impressed or adhesive, as the Treasury from time to time direct.

General rules to be made by Treasury.

21. The Treasury, with the concurrence of the Lord Chancellor, or, in the case of the Court of Admiralty, of the Judge of that Court, may from time to time make such rules as seem fit for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of adhesive stamps and keeping accounts of such stamps.

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Documents not properly stamped to be invalid.

22. Any document which ought to bear a stamp under this Act shall not be of any validity unless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Lord Chancellor or a judge of one of the said courts may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if such document had been properly stamped in the first instance.

Receipts from stamps to be paid to Consolidated Fund.

23. The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act; and, subject to the deduction of any expenses incurred by those Commissioners in the execution of this Act, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.

Annual account and expenditure of Courts of Chancery and Bankruptcy.

24. The Treasury shall cause to be prepared annually (with respect to the Court of Chancery and the Court of Bankruptcy separately) an account for the year ending the thirty-first of March, showing on the one side the following receipts:

1. The dividends or interest which would have arisen from the stock transferred to the Commissioners for the Reduction of the National Debt under this Act, and from the stock and securities purchased with cash so transferred, if such stock and securities were not cancelled;
2. All unclaimed dividends, rents, brokerage, and other sums paid into the receipt of Her Majesty's Exchequer under this Act in respect of the said courts respectively;
3. The amount received, after deducting the expenses, in respect of fees and per-centages taken in relation to proceedings in the said courts respectively, or in any of the offices thereof;

and showing on the other side the expenditure during such year for compensations, pensions, retiring annuities, superannuation allowances, salaries, charges, expenses, and payments incurred in respect of the said courts respectively.

Where any sum has been paid in pursuance of this Act out of the growing produce of the Consolidated Fund to the credit of the Accountant-General of the Court of Chancery, or the Accountant in Bankruptcy or other officer, such allowance shall be made in the said accounts as if on the day of such payment an amount of the three per centum consolidated bank annuities transferred under this Act had been sold sufficient to raise the sum so paid.

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The term "Court of Bankruptcy" in this section means the court as defined by this Act, or as constituted by any Act of the present session.

Application of sect. 3. of 30 & 31 Vict. c. 122. to Admiralty fees.

25. So much of the Courts of Law Fees Act, 1867, as relates to the account with respect to the High Court of Admiralty, shall be construed as if the fees therein referred to were the fees authorized under this Act.

Accounts to show surplus and deficit, and comparison for two years.

26. Each of the said annual accounts prepared in pursuance of this Act shall show the deficit or surplus of receipts as compared with expenditure, and the second of each such yearly accounts and every subsequent account shall show the items for two consecutive years, and the increase or decrease of any item in the second of those years as compared with the first.

The first of the said annual accounts shall be made up for the period between the commencement of this Act and the thirty-first day of March one thousand eight hundred and seventy.

Accounts to be laid before Houses of Parliament.

27. Each of the said annual accounts prepared in pursuance of this Act shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

Provision for deficit on accounts.

28. If in any year there is a deficit on either of the annual accounts as aforesaid, the amount of such deficit shall be debited to the same account in the next following year; provided that no such deficit shall be debited to any account unless and until there has been in some year a surplus on the same account, and after there has been such a surplus the deficit (if any) of every subsequent year shall be so debited, but not that of any year previous to that in which there first was a surplus.

Miscellaneous.

Saving for Act of present session.

29. The provisions of this Act with respect to the Court of Bankruptcy shall be subject to any provisions made with respect to that court by any Act passed in the present session.

Application of stock and cash transferred to Commissioners for Reduction of National Debt.

30. As soon as any sums of stock have been transferred in pursuance of this Act to the Commissioners for the Reduction of the National Debt, the Treasury shall by warrant direct the Governor and Company of the Bank of England to cancel such sums in the books of the said governor and company. The Commissioners for the Reduction of the National Debt shall apply all cash transferred to them in pursuance of this Act in reduction of the National Debt in

the same manner as if such cash were a surplus of the annual revenue. A.D. 1869.

Accounts.

31. The Treasury shall cause to be kept by such persons and in such manner as they may from time to time direct, accounts of the liability of the Consolidated Fund under this Act, and such accounts as may be necessary in order to admit of the preparation of the annual accounts required by this Act in respect of the Courts of Chancery and Bankruptcy.

Orders by Lord Chancellor.

32. The Lord Chancellor may from time to time make such orders as he may think necessary for carrying this Act into effect.

Treasury may make regulations.

33. The Treasury from time to time may make such rules and regulations and issue such order concerning the form and mode of transmission of certificates and vouchers, and otherwise for checking, controlling, and regulating the payment of the charges transferred by this Act to the Consolidated Fund or moneys provided by Parliament, and for enforcing and regulating the accounting for and due payment of the stock and moneys to be transferred to the Commissioners for the Reduction of the National Debt, or to be carried to the Consolidated Fund under this Act, as they may think fit; and a return of any such rules and regulations which may be issued by the Treasury shall be laid before both Houses of Parliament within six weeks from the date of the issue thereof, if Parliament be then sitting, and if it be not then sitting, within six weeks from the day of the next ensuing meeting of Parliament.

Repeal of Acts as in 5th schedule.

34. The enactments described in the fifth schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything already done or suffered, or any right acquired or order made, under the said enactments or any of them.

Nor shall this repeal affect the right of any person to receive such salary, compensation, retiring annuity, pension, superannuation allowance, or progressive or prospective increase of salary, or to obtain such promotion or succession, or pension, retiring annuity, or superannuation allowance as he might have received or obtained if this repeal had not been enacted.

FIRST SCHEDULE.

COURT OF CHANCERY.

Funds standing in Name of Accountant General.

PART I.

Belonging to Suitors, and not transferred by Act.

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
£56,229,314 1*s.* 1*d.* stock.	Accounts of various suitors kept causewise.	Principal and interest belongs to suitors.		
£2,764,744 1*s.* 10*d.* book debt due in cash from the Court of Chancery to suitors. £382,157 9*s.* 10*d.* cash.	Accounts of various suitors kept causewise.	Belongs to suitors, being cash which they have not asked to have invested; no interest therefore is payable to suitors thereon.		
Book debt due from Court of Chancery to suitors of amount paid in by them, estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II. £3,462 13*s.* 8*d.* cash.	Appeal deposit account - -	Belongs chiefly to suitors, being cash paid by them on appealing from courts of first instance; no interest is payable to suitors thereon.		15 & 16 Vict. c. 87. s. 41.

FIRST SCHEDULE—*continued.*

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
PART II.				
Belonging to Court, and transferred by Act.				
FUND (A.) called in this Act "The Suitors Fund."				
Bank £3 per cent. annuities, £1,588,215 17*s.* 6*d.* Reduced annuities, £1,571,894 3*s.* 6*d.*	"Account of moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."	Principal belongs to Court, subject to the liability to make good to the suitors, without interest, the £2,764,744 1*s.* 10*d.* book debt due to them mentioned in Part I.	Arose from the investment by the court in pursuance of Acts of Parliament as a banker at its own risk of the £2,764,744 1*s.* 10*d.* described as a book debt in Part I.; some portion of which is unclaimed money, and will probably remain so. The price at which this stock must be sold to realize the above sum is 88⅛.	*See* Acts in fifth schedule.
£3,160,110 1*s.* stock.				
£14,652 9*s.* 5*d.* cash.	"Account of interest arising from moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."	Belongs to Court; is charged with salaries and pensions of Accountant General, his clerks, and other officers. *See* below on Fund C. and third schedule.	Is interest on stock of Fund (A.) and rent of masters' offices.	
FUND (B.) called in this Act "The Surplus Interest Fund."				
Reduced annuities, £352,976 8*s.* 7*d.* New 3 per cent. annuities, £24 6*s.* East India stock, 4*s.* 11*d.*	"Account of securities purchased with surplus interest arising from securities carried to an account of moneys placed out for the benefit and	Principal belongs to the Court, subject to liability to make good by sale of principal and interest any deficiency in Fund (A.) to meet the	Arose chiefly from investment of interest on Fund (A.), that is of banking profits of the court after paying expenses. As the surplus of that interest is now	5 Vict. c. 5. 15 & 16 Vict. c. 80. s. 49.
£353,000 19*s.* 6*d.* stock.				

FIRST SCHEDULE—*continued.*

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
		FUND (B.)—*continued.*		
£353,000 19*s.* 6*d.* stock —*continued.*	better security of the suitors of the High Court of Chancery."	£2,764,744 1*s.* 10*d.* book debt in Part I.	carried to Fund (C.), this fund does not now increase. In 1865 the amount of this fund was £1,291,629 5*s.* 6*d.*, of which 1,000,000*l.* was authorized to be sold by "The Courts of Justice Building Act, 1865." The Consolidated Fund was by that Act charged to the extent of 1,000,000*l.* to meet any deficiency which this fund could be called upon to meet.	
£1,371 9*s.* 10*d.* cash.	"Account of interest arising from securities purchased with surplus interest arising from securities carried to an account of moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."	Belongs to Court; is charged with certain salaries and with certain compensations in the nature of life annuities and other temporary charges. *See* third schedule.	Is interest on stock of Fund (B.)	
		FUND (C.) called in this Act "The Suitors Fee Fund."		
£217,106 7*s.* 1*d.* cash.	"The Suitors Fee Fund Account."	Belongs to Court. Charged with salaries and pensions of officers (except those charged on Funds (A.) and (B.), and those of Lord Chancellor, and Judges, and	Is only a receipt and expenditure account. The surplus interest on Funds (A.) and (B.), and the interest on Funds (D.) and (E.), and all fees and other revenues	2 & 3 Will. 4. c. 122. 3 & 4 Will. 4. c. 94. 1 & 2 Vict. c. 54. 5 Vict. c. 5.

FIRST SCHEDULE—*continued.*

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
		FUND (C.)—*continued.*		
£217,106 7*s.* 1*d.* cash —*continued.*		certain officers of Lord Chancellor whose salaries are charged on Consolidated Fund), and expenses of Court, and Compensations. *See* third schedule.	of the Court, and brokerage paid by broker of Court, are carried to this fund.	5 & 6 Vict. c. 10. s. 121. 15 & 16 Vict. c. 80. s. 51. 15 & 16 Vict. c. 87. ss. 18, 53. 16 & 17 Vict. c. 98.
		FUND (D.)		
£201,028 2*s.* 3*d.* Bank £3 per cent. annuities.	"Account of moneys placed out to provide for the officers of the High Court of Chancery."	Belongs to Court. Is liable to make good, by sale of the principal, the charges on Fund (C.)	Arose from surplus of Fund (C.)	
		FUND (E.)		
£1,517 9*s.* 5*d.* Bank £3 per cent. annuities.	"Account of money arising from sale of Six Clerks Offices."	Belongs to Court - -	Arose from sale of old Six Clerks Office.	14 Geo. 3. c. 43. 5 & 6 Vict. c. 103. s. 29.
		FUND (F.)		
£10,000. Bank £3 per cent. annuities. £4,486 5*s.* cash.	"Appeal deposit account" -	Belongs to Court. Is liable to make good debt to suitors as mentioned in Part I.	The stock represents the accumulated amount of deposits invested by registrars previously to the passing of 15 & 16 Vict. c. 87. Cash arises from dividends on above stock.	15 & 16 Vict. c. 87. s. 41.
		FUND (G.)		
£4,559 13*s.* 9*d.* Bank £3 per cent. annuities.	Keeper or clerk of the Hanaper in Chancery.	Belongs to Court. Interest is payable in aid of revenues of Hanaper Office.	Accumulations from old sixpenny duty on sealing writs, converted by order of Court in 1753.	

SECOND SCHEDULE.

Court of Bankruptcy.

Funds in Name of Accountant in Bankruptcy.

Part I.

Belonging to Suitors, and not transferred by Act.

Money and stock standing on the 1st of January 1869.	Title of credit to which money and stock stand.	To whom belonging, and charges thereon.	Origin of fund, and remarks.	Acts.
£22,145 1*s.* stock. £103,100 Exchequer bills.	General account of bankrupts estates.	Principal and interest the property of bankrupts and insolvents estates.	Consists of securities the property of bankrupts and insolvents estates.	5 & 6 Will. 4. c. 29. s. 4. 6 & 7 Will. 4. c. 27. 24 & 25 Vict. c. 134. ss. 127–8.
£1,091,663 9*s.* 3*d.* Book debt due from Court of Bankruptcy in respect of bankrupts and insolvents estates. £37,510 8*s.* 4*d.* cash.	Do. do.	Belongs to bankrupts and insolvents estates, being cash paid in as part of bankrupts and insolvents estates to the credit of those estates which has not been invested on account of those estates. No interest is payable thereon.	Portions of the unemployed cash are, in pursuance of Act of Parliament, from time to time invested at the risk of the Court, but with a Parliamentary guarantee, and carried to Bankruptcy Fund Account.	
£221,361 4*s.* 11*d.* Book debt due from Court of Bankruptcy to creditors of bankrupts.	Unclaimed dividend account -	Belongs to creditors or bankrupts, being cash due to creditors as dividends, or surplus from bankrupts estates. No interest is payable thereon.		
Book Debt due from Court of Bankruptcy to suitors of Insolvent Debtors Court of amount of unclaimed dividends, and undivided surplus of insolvents estates estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Belongs to suitors of late Insolvent Debtors Court. No interest is payable thereon.	Transferred to Bankruptcy Court in 1861, 24 & 25 Vict. c. 134. s. 26.; consists mainly of unclaimed dividends and undivided surplus.	24 & 25 Vict. c. 134.

Part II.
Belonging to Court, and transferred by Act.

Fund (A.)

Money and stock standing on the 1st of January 1869.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of fund, and remarks.	Acts.
£1,193,128 4*s.* stock.	The Bankruptcy Fund Account	Principal and interest belongs to Court, subject to liability to make good to bankrupts and insolvents estates the £1,091,663 9*s.* 3*d.* book debt shown in Part I. in respect of the general account of bankrupts and insolvents estates.	Arises from certain investments by the Court as a banker at its own risk of cash belonging to bankrupts estates and of unclaimed dividends before 6th August 1861. Interest carried to Chief Registrar's account. When the cash balances to the "General account of bankrupts estates" are too low, stock is sold from this account, and carried to that account. Any deficiency in the fund to answer any such demands to be made good by Parliament, 5 & 6 Will. 4. c. 29. s. 20., 6 & 7 Will. 4. c. 27. s. 7., and 12 & 13 Vict. c. 106. sec. 55.	5 & 6 Will. 4. c. 29. ss. 1, 6, 10, 14, 16, 20. 6 & 7 Will. 4. c. 27. ss. 1, 2. 12 & 13 Vict. c. 106. ss. 34, 55.

Fund (B.)

£29,652 11*s.* 8*d.* cash. £315,153 2*s.* 11*d.* stock.	Chief Registrar's Account -	Is the property of the Court. Charged with salaries, pensions, compensations, and incidental expenses of the Court, 24 & 25 Vict. c. 134. ss. 33–36.	Formed chiefly from fees, but partly by the consolidation of several old accounts (12 & 13 Vict. c. 106. s. 32), partly from investments of the surplus cash of the Court, and from interest of stock standing to the Bankruptcy Fund Account and unclaimed Dividend Account.	1 & 2 Will. 4. c. 56. ss. 45, 48, 50, 52, 55. 5 & 6 Will. 4. c. 29. s. 16. 7 & 8 Vict. c. 96. s. 49. 12 & 13 Vic. c. 108. ss. 32, 48, 49. 24 & 25 Vic. c. 134. ss. 31, 32, 33, 36, 39, 41, 198.

Second Schedule—*continued.*

Money and stock standing on the 1st of January 1869.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
		Fund (C.)		
£244,387 19*s.* 1*d.* stock. £6,064 6*s.* 8*d.* cash.	Unclaimed Dividend Account -	Principal and interest the property of the Court. Liable to payment to creditors of the sum of £221,361 4*s.* 11*d.* cash described as a book debt in Part I., due from Court for dividends or ordered to be distributed.	Formed of dividends due to creditors and unclaimed by them, and of undivided surplus of bankrupts estates invested by the Court as a banker at its own risk. Interest carried to Chief Registrar's account.	5 & 6 Will. 4. c. 29. ss. 6, 7. 6 & 7 Will. 4. c. 27. ss. 7 & 8. 12 & 13 Vict. c. 106. secs. 191–193. 24 & 25 Vict. c. 134. s. 184.
		Fund (D.)		
£115,911 7*s.* 11*d.* stock. £3,296 7*s.* 3*d.* cash.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Principal and interest belong to the Court, transferred from Insolvent Debtors Court in 1861. Charged with payment of the sum in cash described as a book debt in Part I., due from Court to creditors or bankrupts in Insolvent Debtors Court in 1861, and of salaries of clerks and other matters mentioned in the 26th section of the Bankruptcy Act, 1861.	Formed of moneys and Government securities standing on the 11th October 1861 to the credit of the Account of the Commissioners of the Court for the Relief of Insolvent Debtors in England.	24 & 25 Vict. c. 134. s. 26.

THIRD SCHEDULE.

Part I.

Salaries and Pensions charged on the Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries.	Acts.
Consolidated Fund -	Lord Chancellor. Lords Commissioners of the Great Seal. Lords Justices of Appeal Master of the Rolls. Vice-Chancellors.	15 & 16 Vict. c. 87. s. 16.

Part II.

Salaries and Expenses of the Court of Chancery payable out of moneys provided by Parliament for the purpose.

Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Lord Chancellor.	
Suitors Fee Fund - Consolidated Fund.	Salaries of principal secretary, gentleman of the chamber, purse bearer, train bearer, porter, and messenger to Great Seal, and messenger to Lord Chancellor when out of town.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	„ secretary of presentations and secretary of commissions.	3 & 4 Will. 4. c. 84. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	„ clerks to principal secretary.	3 & 4 Vict. c. 94.
Suitors Fund - - Surplus Interest Fund.	„ ushers, tipstaves, persons to keep order in court, stokers, and court keepers.	50 Geo. 3. c. 164. (Local and Personal). 3 & 4 Vict. c. 94. 3 & 4 Will. 4. c. 94.
Consolidated Fund -	Expenses of office of clerk of presentations.	3 & 4 Will. 4. c. 84.
Suitors Fee Fund -	Expenses and contingencies of the court and of above officers.	15 & 16 Vict. c. 87. and orders of Court of Chancery.

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Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Court of Appeal.	
Suitors Fund. Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train bearers, and persons to keep order in court.	14 & 15 Vict. c. 83. 30 & 31 Vict. c. 87.
Suitors Fee Fund -	Expenses and contingencies of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
	Master of the Rolls.	
Suitors Fee Fund -	Salaries of chief secretary, secretary of causes, gentlemen of the chamber, train bearer, clerks, ushers, &c.	7 Will. 4. & 1 Vict. c. 46. 5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	Salaries of preacher and reader and clerk of Rolls Chapel, and expenses and contingencies of Rolls Chapel.	7 Will. 4. & 1 Vict. c. 46.
Suitors Fee Fund -	Salaries of chief clerks - „ junior clerks and additional junior clerks.	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fund and Surplus Interest Fund.	„ assistant clerks -	3 & 4 Vict. c. 94. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Expenses and contingencies of court and offices and chambers.	15 & 16 Vict. c. 87.
	Vice-Chancellors.	
Suitors Fund and Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train-bearers, and porters of Vice-Chancellors.	53 Geo. 3. c. 24. 55 Geo. 3. c. 64. 5 Vict. c. 5. 15 & 16 Vict. c. 80. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries of chief clerks -	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Vice-Chancellors—continued.	
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries of junior clerks, additional junior clerks, and assistant clerks. ,, persons to keep order in courts. Expenses and contingencies of court and offices and chambers.	3 & 4 Vict. c. 94. 15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
	Chancery Offices.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of registrars and clerks, including clerks of entries and assistant clerks and bagbearers.	3 & 4 Will. 4. c. 94. 3 & 4 Vict. c. 94. 5 Vict. c. 5. 14 & 15 Vict. c. 83. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries, expenses, and contingencies of Accountant General (including his salary as master), and of his officers.	12 Geo. 1. c. 32. 12 Geo. 2. c. 24. 4 Geo. 3. c. 32. 5 Geo. 3. c. 28. 9 Geo. 3. c. 19. 32 Geo. 3. c. 42. 46 Geo. 3. c. 128. 46 Geo. 3. c. 129. 55 Geo. 3. c. 64. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of examiners and clerks.	50 Geo. 3. c. clxiv. 15 & 16 Vict. c. 86. 16 & 17 Vict. c. 22.
Suitors Fee Fund -	Salaries, expenses, and contingencies of taxing masters and their clerks and messengers.	5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerks of records and writs and their clerks, and master of reports and entries, and clerks of report office.	3 & 4 Will. 4. c. 94. 5 & 6 Vict. c. 103. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of enrolments and clerks.	5 & 6 Vict. c. 103. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

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Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Chancery Offices—continued.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of petty bag and his clerk.	12 & 13 Vict. c. 109.
Suitors Fund and Surplus Interest Fund.	Salary, expenses, and contingencies of solicitor to suitors fund, including costs of contempts.	23 & 24 Vict. c. 149. and orders of Court of Chancery.
,, ,,	Salary of surveyor to court.	Order of Court of Chancery.
Suitors Fee Fund -	Salary of stockbroker of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
,, ,,	Keeper of the records of late masters in ordinary.	Orders of Court of Chancery.
	Masters in Lunacy, Registrar in Lunacy, Visitors of Lunatics.	
Suitors Fee Fund -	Salaries of masters in lunacy and their clerks.	5 & 6 Vict. c. 84. 8 & 9 Vict. c. 100. 16 & 17 Vict. c. 70. and orders of Court of Chancery.
,, ,,	,, registrar in lunacy and clerks.	16 & 17 Vict. c. 70. 25 & 26 Vict. c. 86. and orders of Court of Chancery.
,, ,,	,, visitors of lunatics, and secretary and clerks to visitors.	
,, ,,	Expenses and contingencies of office.	
	Commissioners in Lunacy.	
Consolidated Fund -	Balance required to meet salaries, costs, charges, and expenses.	3 & 4 Will. 4. c. 84. 8 & 9 Vict. c. 100.
	Clerk of the Crown.	
Fees of office and dividend on Fund (G.) in second schedule.	Salary of and expenses and contingencies of office of clerk of the Crown in Chancery.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87.

FOURTH SCHEDULE.

Part I.

Salaries and Pensions of the Court of Bankruptcy charged on Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries and Pensions.	Acts.
Chief Registrar's Account.	Commissioners of the Court of Bankruptcy in London.	12 & 13 Vict. c. 106. s. 56.
„ „	District Commissioners of the Court of Bankruptcy in the country.	24 & 25 Vict. c. 134. s. 33.

Part II.

Salaries and Expenses of the Court of Bankruptcy payable out of Moneys to be provided by Parliament for the purpose.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Office.	Acts.
Chief Registrar's Account.	Salaries and pensions of Chief Registrar, Registrars Accountant, Taxing Master, Official Assignees, Clerks, Ushers, Messengers, and other officers and clerks, and the expenses and contingencies of the London and District Courts of Bankruptcy and costs of prosecutions of bankrupts.	5 & 6 Vict. c. 122. 12 & 13 Vict. c. 106. 24 & 25 Vict. c. 134.
Chief Registrar's Account, the amount being repaid to that Fund out of moneys provided by Parliament.	Compensations and pensions to holders of abolished offices and former commissioners of bankrupts.	24 & 25 Vict. c. 134. s. 35.
Chief Registrar's Account, the amount being partly repaid to that Fund out of moneys to be provided by Parliament.	Salaries, expenses, and contingencies of officers of late Court for Relief of Insolvent Debtors.	24 & 25 Vict. c. 134. s. 30.

FIFTH SCHEDULE.

A description of part of an Act is inclusive of the words and sections first or last mentioned or referred to as forming the beginning or end of the portion described.

Date of Act.	Title of Act.	
12 Geo. 2. c. 24. -	An Act to empower the High Court of Chancery to lay out upon proper securities any moneys not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, for the ease of the said suitors, by applying the interest arising therefrom for answering the charges of the office of the Accountant General of the said court.	
4 Geo. 3. c. 32. -	An Act to empower the High Court of Chancery to lay out upon proper securities a further sum of money not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, and for applying the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
5 Geo. 3. c. 28. -	An Act to empower the High Court of Chancery to lay out upon government securities a sum of money therein mentioned out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards augmenting the income of the masters of the said court.	
9 Geo. 3. c. 19. -	An Act to empower the High Court of Chancery to lay out upon government securities a further sum of money, not exceeding a sum therein limited, out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
14 Geo. 3. c. 43. -	An Act for rebuilding the office of the six clerks of the King's Court of Chancery, and for erecting offices for the Register and Accountant General of the said court for the better preserving the records, decrees, orders, and books of account kept in such offices.	
32 Geo. 3. c. 42. in part.	An Act to empower the High Court of Chancery to lay out a further sum of the suitors money upon proper securities, and for applying the interest towards discharging the expenses of the office of the Accountant General, and for building offices for the masters in ordinary in Chancery, and a publick office for the suitors of the said court, and offices for the secretaries of bankrupts and lunaticks, and for building repositories for securing the title deeds of the suitors of the said court, and the records and proceedings of the commissioners of bankrupts and lunaticks.	In part, namely; except section eight.

Date of Act.	Title of Act.	
46 Geo. 3. c. 128. -	An Act for making provision for such masters in ordinary of the High Court of Chancery as from age or infirmity shall be desirous of resigning their offices with the approbation of the said court, and for augmenting the income of the masters in ordinary of the said court.	
46 Geo. 3. c. 129. -	An Act to provide additional salaries to the present clerks in the office of the Accountant General of the High Court of Chancery, and to provide additional clerks for the said office, with salaries; and to make other payments in respect of the said office.	
50 Geo. 3. c. clxiv. in part.	An Act for building certain offices for the examiners, cursitors, clerk of the Crown, and clerks of the petty bag of the High Court of Chancery; and for making certain regulations in the Examiner's office of the said court; and for making provision for such of the examiners, deputy examiners, and clerks as, from length of service, or from age or infirmity, are or shall be incapacitated from the due execution of their offices; and for making provision for other officers of the said court; and for making other payments in respect of the said offices.	In part, namely;—sections one, three, eight, fifteen to nineteen, twenty-one, and twenty-five to twenty-eight.
53 Geo. 3. c. 24. in part.	An Act to facilitate the administration of justice.	In part, namely;—sections seven to twelve.
2 & 3 Will. 4. c. 122. in part.	An Act for making provision for the Lord High Chancellor of England in lieu of fees heretofore received by him.	In part, namely;—except sections eight to ten.
3 & 4 Will. 4. c. 94. in part.	An Act for the regulation of the proceedings and practice of certain offices of the High Court of Chancery in England.	In part, namely;—sections thirty-five to thirty-eight and forty-three to forty-seven.
5 & 6 Will. 4. c. 29. in part.	An Act for investing in government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for	In part, namely;—sections one to four, nine to eleven, fourteen to seventeen, nineteen and twenty.

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Date of Acts.	Title of Act.	
	the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the Subdivision Courts.	
6 & 7 Will. 4. c. 27.	An Act for investing in government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
7 Will 4. & 1 Vict. c. 46. in part.	An Act to vest the Rolls Estate in Her Majesty, and to provide for the future payment of the salary of the Master of the Rolls, and the expenses of the Rolls Chapel.	In part, namely;—sections six to nine and eleven to thirteen.
1 & 2 Vict. c. 54. -	An Act for making further investments from the money of the suitors of the Court of Chancery and the Court of Exchequer, and for providing for the payment into court of fees received by certain officers of the Lord Chancellor.	
3 & 4 Vict. c. 66. in part.	An Act to make provision for the judge, registrar, and marshal of the High Court of Admiralty of England.	In part, namely;—sections eight and thirteen to sixteen.
3 & 4 Vict. c. 94. -	An Act for facilitating the administration of justice in the Court of Chancery.	In part, namely;—sections two, three, and four.
5 Vict. c. 5. in part -	An Act to make further provision for the administration of justice.	In part, namely;—sections eleven, twelve, and fifty-eight to sixty-three.
5 & 6 Vict. c. 84. in part.	An Act to alter and amend the practice and course of proceeding under commissions in the nature of writs de lunatico inquirendo.	In part, namely;—except section ten.
5 & 6 Vict. c. 103. in part.	An Act for abolishing certain offices of the High Court of Chancery in England.	In part, namely;—sections twenty, twenty-one to twenty-seven, and section twenty-nine from "and further that all dividends" to end of section.
8 & 9 Vict. c. 100. in part.	An Act for the regulation of the care and treatment of lunatics.	In part, namely;—sections thirty-five, ninety-seven, and ninety-eight.
12 & 13 Vict. c. 109. in part.	An Act to amend an Act to regulate certain offices in the petty bag in the High Court of Chancery, the practice of the common law side of that court, and the enrolment office of the said court.	In part, namely;—sections six to eight, twenty-one, and twenty-three.

Date of Acts.	Title of Act.	
14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery and in the Judicial Committee of the Privy Council.	In part, namely;—section nineteen.
15 & 16 Vict. c. 80. in part.	An Act to abolish the office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient dispatch of business in the said court.	In part, namely;—sections six, forty-eight, and forty-nine.
15 & 16 Vict. c. 87. in part.	An Act for the relief of the suitors in the High Court of Chancery.	In part, namely;—sections two, six to thirteen, forty-eight, fifty-one, fifty-three, fifty-four, and so much of section fifty-two as relates to the fund out of which the sums are to be payable.
16 & 17 Vict. c. 70. in part.	An Act for the regulation of proceedings under commissioners of lunacy, and the consolidation and amendment of the Acts respecting lunatics so found by inquisition on their estates.	In part, namely;—sections twenty-five, thirty, and thirty-one.
16 & 17 Vict. c. 98. in part.	An Act for the relief of the suitors of the High Court of Chancery.	In part, namely;—section two from "out of the fund" to the end of the section, and section four.
17 & 18 Vict. c. 78. in part.	An Act to appoint persons to administer oaths, and to substitute stamps in lieu of fees, and for other purposes, in the High Court of Admiralty of England.	In part, namely;—sections fourteen to twenty-one, both inclusive.
18 & 19 Vict. c. 134. in part.	An Act to make further provision for the more speedy and efficient dispatch of business in the High Court of Chancery, and to vest in the Lord Chancellor the ground and buildings of the said Court, situate in Southampton Buildings, Chancery Lane, with powers of leasing and sale thereof.	In part, namely;—section fourteen, and sections seventeen to twenty-two.
25 & 26 Vict. c. 86. in part.	The Lunacy Regulation Act, 1862.	Section twenty-seven.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 92.

An Act to amend the Laws relating to the Fisheries of Ireland. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient to amend the laws relating to the fisheries of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "Fisheries (Ireland) Act, 1869."

Application of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall commence and have effect on the first day of October one thousand eight hundred and sixty-nine.

Interpretation of term.

4. In this Act,—

The term "Lord Lieutenant" means Lord Lieutenant of Ireland and the Lords Justices or other Chief Governors or Governor of Ireland for the time being.

Appointment of Inspectors, &c.

Inspectors to execute Act.

5. From and after the commencement of this Act the Inspectors of Fisheries for the time being acting in execution of The Salmon Fishery (Ireland) Act, 1869, and one other person to be appointed in manner by this Act provided, shall be Inspectors for the execution of this Act.

Power to Lord Lieutenant to appoint one Inspector.

6. From and after the commencement of this Act it shall be lawful for the Lord Lieutenant to appoint a fit person to act together with the said Inspectors of Fisheries in the execution of this Act, and the person so appointed shall hold his office during the pleasure of the Lord Lieutenant; and in case of the death, resignation, incapacity, or removal from office of such person it

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shall be lawful for the Lord Lieutenant to appoint a fit person in his place.

Inspectors of Irish Fisheries.

7. The Inspectors acting in the execution of this Act shall be styled "the Inspectors of Irish Fisheries," and all and every the powers, authorities, and jurisdictions by this Act given may be exercised by the said Inspectors and any one of them: Provided always, that all warrants for the removal of fixed engines, and all certificates relating to fixed engines, shall be signed by at least two of the said Inspectors, and that all byelaws, rules, orders, and regulations shall be made by at least two of the said Inspectors.

Transfer of powers, &c. to inspectors.

8. From and after the commencement of this Act all powers, rights, privileges, authorities, jurisdictions vested in or exercised by, and all duties imposed upon the Commissioners of Public Works in Ireland, the Inspecting Commissioner of Fisheries, and the said Inspectors of Fisheries appointed under the Salmon Fishery (Ireland) Act, 1869, or any of them, in relation to oyster, white sea, and salmon fisheries in Ireland by any Act relating thereto, shall be transferred to and vested in and may be exercised and shall be discharged by the Inspectors of Irish Fisheries acting in the execution of this Act during their continuance in office.

Lord Lieutenant, with consent of Treasury, to fix salaries, &c. and appoint additional officers.

9. From and after the commencement of this Act, it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of the Treasury, to fix such salaries as he may think fit for the said Inspectors of Irish Fisheries acting in the execution of this Act, and also, with the like approval, to appoint such additional officers, clerks, and servants at such salaries as he may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and appoint others in their place; such salaries to be paid out of moneys to be provided by Parliament for that purpose.

Byelaws.

Byelaws.

10. The Inspectors of Irish Fisheries shall in addition to their other duties, as soon as they conveniently can, make local and other inquiry into the expediency and necessity of altering, amending, or repealing any definition of the boundaries of the mouth or estuary of any river, or any byelaws heretofore made, or of making new definitions of the boundaries of the mouths or estuaries of rivers, or new byelaws relating to fisheries in Ireland; and if on such inquiry they shall be satisfied of such expediency or necessity, it shall be lawful for them, subject to the approval of the Lord

Lieutenant in Council, and an appeal to him in Council, to alter, amend, or repeal any such definition or any of such byelaws, and to make such new definitions or byelaws as they may deem expedient, and all the provisions relating to byelaws and to an appeal against the same contained in the Acts incorporated with this Act shall apply to definitions and byelaws altered, amended, repealed, or made under the provisions of this Act.

Recovery of Fishing Boats and Gear picked up at Sea.

Fishing boats and gear, &c. picked up at sea to be delivered at nearest coast-guard station.

11. Any person who shall find or pick up at sea any fishing boat, rigging, gear, or other appurtenance of fishing boats, or any net, buoy, float, or fishing implement whatsoever, shall as soon as possible deliver up same to the officer in command of the nearest coast-guard station, and such officer shall be considered as the agent of the receiver of wreck, and shall place the same in the custody of the receiver; and any person wilfully acting in contravention of this section shall, upon conviction thereof before any justice or justices sitting in petty sessions, be liable to a penalty not exceeding ten pounds.

Agreements between Owners of Vessels, &c. and Crews.

Inspectors to make regulations as to voluntary agreements.

12. The Inspectors of Irish Fisheries may prepare, subject to the approval of the Lord Lieutenant, forms of agreements between owners of fishing vessels or boats and crews, as to the period and nature of service, and remuneration, whether such remuneration be based upon share of profit or otherwise, and such forms of agreement may contain any other stipulations which are not contrary to law; and copies of such forms shall be furnished by the Inspectors of Irish Fisheries to any person requiring the same.

Provisions as to agreements.

13. In case of any breach of any agreement duly made between the owner of any fishing vessel or boat and crew according to the terms prescribed in any form prepared in manner aforesaid, it shall be lawful for any justice or justices sitting in petty sessions, on proof of any such breach as aforesaid, to award to the party aggrieved such compensation with costs as to him or them shall seem right, and to order the same to be paid by the party who shall have committed such breach; or, in case such breach shall be the desertion of any of the crew, then such justice or justices may, if he or they shall think fit, commit such deserter to gaol for any term not exceeding two months.

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Oyster Fisheries.

Power to make oyster beds. 8 & 9 Vict. c. 108. s. 17. and 13 & 14 Vict. c. 88. s. 41.

14. It shall be lawful for the owner of any several fishery, or the owner of the soil and bed of any estuary, or the owner or occupier of any land bordering on the sea or any estuary, with the licence in writing of the Inspectors of Irish Fisheries, or for any person or persons, with the consent in writing of such owner or occupier, and with the licence of the said Inspectors and the approval of the Lord Lieutenant, to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high-water and low-water mark, and above or below the level of the lowest water mark of spring tides, or for any person or persons, without such consent as aforesaid, but with the licence of the said Inspectors, to form or plant any oyster bed below low-water mark, subject nevertheless to the approval of the Lord Lieutenant, and subject to the right of appeal to the Lord Lieutenant in Council, and all the provisions relating to the granting of licences, and to an appeal against the same, contained in the Act incorporated with this Act, shall apply to licences granted under the provisions of this Act: Provided always, that no such licence shall be granted within the limits of any several fishery without the consent in writing of the owner of such fishery; and provided also, that in case of any licence being granted to any occupier of any land bordering on the sea or any estuary as aforesaid, or to any person with his consent, such licence shall only continue and be in force during the continuance in occupation of the person who was in occupation at the time of the granting of the said licence; and in the case of any licence being granted to any person with the consent of any owner, such licence shall only continue and be in force for such period as shall be named in the consent of such owner; and provided also, that the powers to be granted under this Act for the purpose of forming or planting oyster beds or layings shall not, except for the purposes aforesaid, affect any rights in or over the shore or bed of the sea.

Salmon Fisheries.

Power to Inspectors to alter close season for angling.

15. The Inspectors of Irish Fisheries shall, as regards the altering of the close season for angling with single rod and line in any river or district, or any part thereof, have all and the like powers and authorities which by this Act are transferred to and are vested in them in relation to the altering of the close season for nets and other engines for the capture of salmon: Provided always, that such close season shall not comprise fewer than ninety-two days.

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Penalty for fishing with fixed engine without certificate of commissioners or inspectors.

16. Any person who shall fish with, make use of, or erect any fixed engine for the capture of salmon without having obtained a certificate from the Special Commissioners for Irish Fisheries, under the provisions of "The Salmon Fishery (Ireland) Act, 1863," or a certificate from the inspectors acting in the execution of this Act in regard to such fixed engine, shall forfeit such fixed engine and incur a penalty of fifty pounds, and a further penalty of twenty pounds for every day during which such fixed engine shall have been erected, used, or fished with; and any person authorized to enforce the provisions of this Act and of the Acts therewith incorporated may seize and take possession of any such fixed engine: Provided always, that where the Court of Queen's Bench shall on appeal from the decision of the said commissioners or inspectors have decided that any such fixed engine is legal, the said inspectors shall give a certificate to that effect to the person entitled thereto.

Licences to fish with rod and line only to entitle person named therein to fish.

Penalty for fishing without, as in sect. 12 of 13 & 14 Vict. c. 88.

17. Every licence to fish with single rod and line shall have the name and address of the person to whom the same shall be sold written thereon in clear and legible characters, and such licence shall not be transferred to or available for any person except the person named therein; and any person fishing with single rod and line, without a licence so to do, shall be subject to the same penalty as is imposed by section twelve of the Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter eighty-eight, upon persons using any engine, net, instrument, or device without being duly licensed.

Miscellaneous.

Inspectors to aid Commissioners of Public Works in certain cases.

18. The Inspectors of Irish Fisheries shall, when so directed by the Lord Lieutenant, report for the information of the Commissioners of Public Works in Ireland in regard to the necessity for, and the advantage to be derived by the fisheries from any work which may be proposed to be carried out under the provisions of the Acts enumerated in the Schedule B. to this Act annexed.

Application of penalties.

19. One third of every sum of money levied as a fine, penalty, or forfeiture under the Acts relating to salmon fisheries in Ireland shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of the said Acts, and the remainder of such sum shall be paid to the Board of Conservators of the district in which the offence was committed, or their authorized officer, and shall be applied to the purposes of the said Acts for such district.

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Incorporation of Acts as in Sched. A.

20. The Acts enumerated in the Schedule A. to this Act annexed shall be incorporated with this Act, and be read and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto; and in the construction of the said Acts the words "order or decision of any court," or words to the like effect, shall include orders or decisions of the Special Commissioners for Irish Fisheries under the provisions of "The Salmon Fishery (Ireland) Act, 1863," or the said Inspectors of Irish Fisheries.

SCHEDULE A.

5 & 6 Victoria, chapter 106.
7 & 8 Victoria, chapter 108.
8 & 9 Victoria, chapter 108.
9 & 10 Victoria, chapter 114.
11 & 12 Victoria, chapter 92.
13 & 14 Victoria, chapter 88.
26 & 27 Victoria, chapter 114.
29 & 30 Victoria, chapter 88.
29 & 30 Victoria, chapter 97.
32 Victoria, chapter 9.

SCHEDULE B.

9 & 10 Victoria, chapter 3.
10 & 11 Victoria, chapter 75.
29 & 30 Victoria, chapter 45.

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CHAP. 93.

An Act to apply a sum out of the Consolidated Fund and the Surplus of Ways and Means to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy, and to appropriate the Supplies granted in this Session of Parliament. [11th August 1869.]

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Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

There may be applied for the service of the year ending 31st March 1870 the sum of 21,746,684*l.* 2*s.* 3*d.* out of the Consolidated Fund.

1. There may be issued and applied, for or towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy, the sum of twenty-one million seven hundred and forty-six thousand six hundred and eighty-four pounds two shillings and threepence out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury for the time being are hereby empowered to issue and apply the same accordingly.

Treasury may borrow 21,746,684*l.* 2*s.* 3*d.* on the credit of this Act.

2. The Commissioners of the Treasury may borrow upon the credit of the sum granted by this Act out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, an amount not exceeding in the whole the sum of twenty-one million seven hundred and forty-six thousand six hundred and eighty-four

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pounds two shillings and threepence; and such amount may be borrowed by the said Commissioners, from time to time, in such sums as may be required for the public service, and shall be placed to the credit of the account of Her Majesty's exchequer at the Bank of England, and be available to satisfy the orders for credits granted or to be granted on the said account, under the provisions of the "Exchequer and Audit Departments Act, 1866," in respect of any services voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

Interest on moneys borrowed.

3. The sums borrowed from time to time under the authority of this Act shall bear interest not exceeding the rate of threepence halfpenny per centum per diem, and the principal and interest of all such sums shall be paid out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums shall have been borrowed.

Treasury may apply for the service of the year ending 31st Mar. 1870, 798,132*l.* 17*s.* 9*d.* surplus of ways and means.

4. There may be issued and applied, for or towards making good the supply granted to Her Majesty for the service of the year ending the thirty-first day of March one thousand eight hundred and seventy, the sum of seven hundred and ninety-eight thousand one hundred and thirty-two pounds seventeen shillings and ninepence, being the surplus of ways and means granted for the service of preceding years, and the Commissioners of Her Majesty's Treasury may issue and apply the same accordingly.

Schedule (A.) (Part I.)

48,051,089*l.* 13*s.* 4*d.*

5. All the moneys coming into the Exchequer of the United Kingdom of Great Britain and Ireland by the Acts set forth in Part I. of the Schedule (A.) to this Act, amounting in the aggregate to the sum of forty-eight million fifty-one thousand and eighty-nine pounds thirteen shillings and fourpence, are hereby appropriated, and may be issued and applied for or towards the several purposes expressed in Part II. of the said schedule, and herein-after more particularly set forth.

Navy services, deficiency, 1867–8, 366,545*l.* 5*s.* 6*d.*

6. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding three hundred and sixty-six thousand five hundred and forty-five pounds five shillings and sixpence to make good deficiencies on certain grants for navy services for the year ended on the thirty-first day of March one thousand eight hundred and sixty-eight.

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Civil services, deficiencies, 1867–8, 400,894*l.* 7*s.* 4*d.* Schedule (B.)

7. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding four hundred thousand eight hundred and ninety-four pounds seven shillings and fourpence to make good deficiencies on certain grants for civil services for the year ended on the thirty-first day of March one thousand eight hundred and sixty-eight mentioned in the schedule (B.) to this Act.

Packet Service deficiency, 1867–8, 6,989*l.* 0*s.* 6*d.*

8. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding six thousand nine hundred and eighty-nine pounds and sixpence to make good the deficiency on the grant for the Post Office Packet service for the year ended on the thirty-first day of March one thousand eight hundred and sixty-eight.

Supplementary grants for civil services to 31st March 1869, 131,844*l.* Schedule (C.)

9. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding one hundred and thirty-one thousand eight hundred and forty-four pounds to defray the charge for certain supplementary grants for civil services for the year ended on the thirty-first day of March one thousand eight hundred and sixty-nine mentioned in the schedule (C.) to this Act.

Expedition to Abyssinia, 3,600,000*l.* 1868–9.

10. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding three million and six hundred thousand pounds to defray the expenses of the expedition to Abyssinia beyond the ordinary grants of Parliament for army and navy services.

Navy services, 9,996,641*l.* Schedule (D.)

11. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding nine million nine hundred and ninety-six thousand six hundred and forty-one pounds for or towards the navy services more particularly mentioned in the schedule (D.) to this Act, to defray the charges for the several services specified in the said schedule which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Army services, 14,230,400*l.* Schedule (E.)

12. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding fourteen million two hundred and thirty thousand and four hundred pounds for or towards the army services more

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particularly mentioned in the schedule (E.) to this Act, to defray the charges for the several services specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Exchequer bonds, 3,300,000*l.*

13. Out of all or any the aids or supplies aforesaid there shall and may be issued and applied any sum or sums of money not exceeding three million three hundred thousand pounds to pay off and discharge exchequer bonds which will become payable during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class* 1.

1,210,754*l.* Schedule (F.)

14. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (F.) to this Act, to defray the charges of the several civil services (Class I.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class* 2.

1,733,681*l.* Schedule (G.)

15. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (G.) to this Act, to defray the charges of the several civil services (Class II.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class* 3.

3,860,426*l.* Schedule (H.)

16. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (H.) to this Act, to defray the charges of the several civil services (Class III.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class* 4.

1,644,370*l.* Schedule (I.)

17. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (I.) to this Act, to defray the charges of the several civil services (Class IV.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

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18. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (J.) to this Act, to defray the charges of the several civil services (Class V.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class 5.*
643,200*l.*
Schedule (J.)

19. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (K.) to this Act, to defray the charges of the several civil services (Class VI.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class 6.*
487,401*l.*
Schedule (K.)

20. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (L.) to this Act, to defray the charges of the several civil services (Class VII.) specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Civil Services. *Class 7.*
135,674*l.*
Schedule (L.)

21. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding the sums respectively mentioned in the schedule (M.) to this Act, to defray the charges for the services of the several revenue departments specified in the said schedule, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Revenue Departments, 5,065,800*l.*
Schedule (M.)

22. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding one million eighty-nine thousand seven hundred and eighty pounds, to defray the charge of the Post Office packet service which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy, no part of which sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the twentieth day of June one thousand eight hundred and sixty-three to Mr. Joseph George Churchward or to any person claiming through or under him by virtue of a certain contract, bearing date the twenty-sixth day of April one thousand eight hundred and fifty-nine, made between the Lords

Post Office packet service, 1,089,780*l.*

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Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward by virtue of that contract, so far as relates to any period subsequent to the twentieth day of June one thousand eight hundred and sixty-three.

Advances for new Courts of Justice, 14,093*l.*

23. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding fourteen thousand and ninety-three pounds, to defray the charge for advances for the purchase of a site and for other expenses for the new courts of justice, and offices belonging thereto, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Advances for Greenwich hospital and schools, 132,597*l.*

24. Out of all or any the aids or supplies aforesaid there may be issued and applied any sum or sums of money not exceeding one hundred and thirty-two thousand five hundred and ninety-seven pounds, to defray the charge for Greenwich hospital and schools, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Supplies to be applied only for the purposes aforesaid.

25. The said aids and supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever other than the uses, intents, and purposes before mentioned or specified in the several schedules referred to in this Act.

Sanction for navy and army expenditure for 1867–8 unprovided for.

30 & 31 Vict. c. 120. s. 25.

26. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act thirtieth and thirty-first Victoria, chapter one hundred and twenty, section twenty-five, have authorized expenditure not provided for in the sums appropriated to naval and military services by the said Act to be temporarily defrayed out of surpluses so far as such surpluses will extend which have arisen by the saving of expenditure upon votes within the same department for the year ended on the thirty-first day of March one thousand eight hundred and sixty-eight, as follows:

Navy deficiency, 480,731*l.* 11*s.* 3*d.*

1st, Four hundred and eighty thousand seven hundred and thirty-one pounds eleven shillings and threepence for navy services unprovided for in the grants for navy services for the said year, temporarily defrayed to the extent of one hundred and fourteen thousand one hundred and eighty-six pounds five shillings and ninepence out of surpluses, to the said last-mentioned amount, which have arisen upon certain votes for navy services for the same year:

Navy surplus, 114,186*l.* 5*s.* 9*d.*

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2d, Three hundred and forty-eight thousand and seventy-eight pounds sixteen shillings for army services unprovided for in the grants for army services for the said year, temporarily defrayed to the extent of two hundred and fifty-seven thousand seven hundred and twenty-eight pounds eight shillings and elevenpence out of surpluses to the said last-mentioned amount, which have arisen upon certain votes for army services for the same year, and by the application of the sum of ninety thousand three hundred and fifty pounds seven shillings and one penny, being the sum which has been realized in excess of the estimated appropriations in aid, the said two sums making together the sum of three hundred and forty-eight thousand and seventy-eight pounds and sixteen shillings:

Army deficiency, 348,078*l.* 16*s.* 0*d.*

Army surplus, 257,728*l.* 8*s.* 11*d.* 90,350*l.* 7*s.* 1*d.*

348,078*l.* 16*s.* 0*d.*

It is enacted that the application of the said surpluses to cover so much of the said deficiencies is hereby sanctioned.

Expenditure for navy and army services respectively to be confined to the separate services for which granted.

27. The respective departments charged with the detailed application of the sums granted by this Act for navy and army services shall confine the expenditure of their respective departments within the particular amounts appropriated to each of the separate services comprised in the sum of nine million nine hundred and ninety-six thousand six hundred and forty-one pounds granted by this Act for naval services, and in the sum of fourteen million two hundred and thirty thousand and four hundred pounds granted by this Act for army services: Provided always, that if a necessity shall arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, the respective departments shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such applications the departments shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said commissioners may authorize the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement

Navy, 9,996,641*l.*

Army, 14,230,400*l.*

Treasury may, in certain cases of exigency, authorize expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

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showing all cases in which the naval and military departments shall have obtained the sanction of the said commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons not later than one month after the accounts of the receipt and expenditure for navy and for army services for the year shall respectively have been rendered to the Commissioners of Audit, if Parliament be then sitting, and if not then within one week after Parliament shall be next assembled, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament shall determine: Provided also, that the Commissioners of the Treasury shall not authorize any expenditure which may cause an excess upon the aforesaid aggregate sums granted by this Act for naval services and for army services respectively.

Rules to be observed in the application of the sum granted for half pay.

28. And as to the sum granted by this Act for the half pay of officers of Her Majesty's forces, it is hereby enacted and declared, that the rules hereafter prescribed shall be duly observed in the application of the said half pay; (that is to say,) that no person shall have or receive any part of the same without making and subscribing a declaration to such purport and effect as shall be required in that behalf; that no person shall have or receive any part of the same who was under the age of sixteen years at the time when the regiment, troop, or company in which he served was reduced; that no person shall have or receive any part of the same who did not do actual service in some regiment, battalion, troop, or company in Her Majesty's service, except in cases in which the commission was received under circumstances which did not, according to the regulations of the army, require the officer to serve; that no person shall have or receive any part of the same who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such person as would have been otherwise entitled thereto as a reduced officer; that no person shall have or receive any part of the same for any time during which he shall hold any other military place or employment of profit under Her Majesty, or in Her Majesty's colonies or possessions beyond the seas, except on the staff or in garrison, and that in such excepted cases, or in cases of his holding any military place or employment of profit under

another government, no officer shall receive any part of his half pay unless with Her Majesty's approbation, to be signified by the Secretary of State for War to the Paymaster General, and the officer claiming the half pay in pursuance of such approbation shall specify in his declaration the other military place or employment of profit on the staff or in garrison which he may hold or have held under Her Majesty, or in the colonies or possessions of Her Majesty beyond the seas, or under any other government; that no person who shall, on or before the twenty-eighth day of July one thousand eight hundred and twenty-eight, have held any civil place or employment of profit under Her Majesty, or in the colonies or possessions of Her Majesty beyond the seas, or under any other government, shall have or receive any part of the same for any time during which he shall hold any such civil place or employment of profit under Her Majesty, or in the colonies or possessions of Her Majesty beyond the seas, or under any other government, except in cases in which the same shall not exceed three times the amount of the highest rate of half pay attached to the rank in virtue of which he claims to receive half pay or as herein-after mentioned, nor in any such excepted cases unless Her Majesty's special approbation be signified as aforesaid, and the officer claiming the half pay in pursuance of such approbation shall signify in his declaration the civil place or employment of profit which he may hold or have held as aforesaid; but if the net annual emoluments of such civil place or employment shall exceed three times the amount of half pay as aforesaid, and shall fall short of four times that amount, then it shall be lawful for the Paymaster General, with Her Majesty's approbation signified by the Secretary of State for War as aforesaid, to issue, on or before the twenty-fourth day of December one thousand eight hundred and sixty-nine, so much of the half pay claimed by any such officer as shall, together with the net annual emoluments of the civil place or employment, be equal to four times the amount of such half pay, and the officer claiming the half pay in pursuance of such approbation shall specify in his declaration the civil place or employment of profit which he may have held as aforesaid, and the actual amount of the emoluments thereof, in such manner and form, and calculated up to such period or periods, as shall be required by the Secretary of State for War; but no person who, after the twenty-eighth day of July one thousand eight hundred and twenty-eight, has been appointed to any civil place or employment of profit (except in Her Majesty's household) under Her Majesty, or in the colonies or possessions of Her Majesty beyond the seas, or under any other government, shall have or receive any part of the same for any time during which he

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shall hold any such civil place or employment of profit (except as aforesaid) under Her Majesty beyond the seas, or under any other government, other than that of a barrack master under the Secretary of State for War, who shall, under the restrictions before mentioned, be entitled to receive his half pay: Provided always, that nothing in this Act contained shall prevent any person from receiving his half pay who shall be serving as an adjutant in the volunteer force, or who shall be entitled to the same under any Act or Acts relating to the general or local militia, or to the yeomanry, but that every such adjutant shall receive the same on making and subscribing such declaration as shall be specified in the regulations made for the volunteer force, under the provisions of the Volunteer Act, 1863, and every other person shall receive the same according to the provision of any such Act or Acts; and also every surgeon, serjeant major, serjeant, corporal, and private serving in the general or local militia, or in any corps of yeomanry or volunteers, in Great Britain or Ireland, may and shall receive any half pay, together with any pay in the general or local militia, or yeomanry or volunteers, upon making and subscribing a declaration in any case in which an oath or declaration shall be required in and by any Act or Acts, or specified in any warrant of Her Majesty, as the case may be, and stating in such declaration the commission or employment which he held in the general or local militia, the yeomanry or volunteers: Provided always, that from and after the first day of January one thousand eight hundred and seventy it shall be lawful for the Paymaster General to issue the half pay or any portion thereof to any officer appointed to civil place or employment of profit under Her Majesty or any other government since the twenty-eighth day of July one thousand eight hundred and twenty-eight, if Her Majesty's pleasure to that effect be signified by the Commissioners of Her Majesty's Treasury through the Secretary of State for War, but such permission to be granted under the restrictions before mentioned: Provided always, that an account shall be laid before Parliament in every year on or before the first day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the first day of the sitting of Parliament after the first day of April, of the number of officers who are allowed to receive their half pay with civil emoluments, specifying the names of such officers, with the respective amounts of their half pay, and the emoluments of their respective civil employments, and distinguishing in every such account the officers to whom such half pay shall have been allowed subsequent to preceding accounts.

Not to prevent the receiving of half pay under any Act relating to the general or local militia, &c.

Paymaster General, by permission of the Treasury, may issue half pay to officers appointed to civil offices since July 1828.

An account of the number of officers so receiving half pay to be laid before Parliament annually.

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Treasury may authorize military officers in civil employments to receive half pay in certain cases.

29. The Commissioners of Her Majesty's Treasury may authorize the receipt of half pay by military officers with civil employments in any cases in which the said commissioners shall be of opinion that the employment of such military officers in the colonies or elsewhere in civil situations of responsibility with small emoluments will be conducive to economy, and thereby beneficial to the public service, and in every such case the officer authorized to receive half pay with the salary or emolument of any civil employment shall signify the same in his declaration, specifying the office, and the authority under which he is so allowed to receive his half pay.

Half pay allowances to chaplains of regiments not holding ecclesiastical benefices derived from the Crown.

30. And whereas chaplains of regiments who have been placed upon half pay have not been allowed to receive such half pay in some years in consequence of being in possession at the time of certain ecclesiastical benefices or preferments, though the same were not in the patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such half pay, though in possession of ecclesiastical preferment, provided the same was private patronage, and not derived from the Crown, and that they should be entitled to receive the arrears of half pay for such former years as aforesaid: Be it therefore enacted, That all chaplains who, after having been placed upon half pay, shall have been refused or been unable to receive such half pay in any year in consequence of holding any ecclesiastical benefice not derived from or in the gift of the Crown, shall be entitled to receive the arrears of such half pay for such year, upon making and subscribing a declaration before the proper officer for administering declarations to persons for entitling them to receive half pay that they held no ecclesiastical benefice or preferment in any year derived from the Crown, nor any place or employment of profit under Her Majesty, and the making and subscribing the said declaration shall, without making and subscribing any other declaration, be sufficient to entitle such chaplain to receive his half pay.

Declarations to be made before receipt of sums appropriated.

Before whom such declarations to be made.

31. And as to the several sums appropriated by this Act for defraying army, navy, or civil non-effective services, no person shall receive any part of the same without subscribing a declaration to such purport and effect as shall be required in that behalf; provided that whenever payment on account of any of the above-named services shall be made at more frequent intervals than once in the quarter, it shall be lawful for the Commissioners of the Treasury to dispense with the production of more than one declaration in respect of each quarterly period; and such declaration shall and may

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be made and subscribed before any of Her Majesty's justices of the peace, notary public, or resident minister in the United Kingdom of Great Britain and Ireland, or the colonies or dominions of Her Majesty; and when such declarations are taken abroad they shall be made and subscribed before a British minister, secretary of embassy, secretary of legation, consul, or British chaplain, or before a notary public or some magistrate or other person competent to administer such declarations; and as regards naval services before the Lord High Admiral or a Lord Commissioner or Secretary of the Admiralty, or a superintendent of a dockyard, victualling, or medical establishment, or before an officer in command of one of Her Majesty's ships, or a chaplain serving on board one of Her Majesty's ships; and such declarations for army, navy, and civil services may also be made and subscribed before any other person now by law authorized to administer or receive such declarations, or before any of the persons appointed to examine vouchers in the office of the Paymaster General, in the manner, and under the pains, penalties, and forfeitures, specified in an Act passed in the fifth and sixth years of His late Majesty for the abolition of unnecessary oaths.

SCHEDULES to which this Act refers.

SCHEDULE (A.)—Ways and Means.

PART I.

Schedule of Ways and Means referred to in Section 5 of this Act; viz.:

	£	s.	d.
Granted per Act 32 Vict. cap. 1. s. 1. for the service of the years ending 31st March 1868 and 1869	4,506,272	13	4
Granted for the service of the year ending 31st March 1870; viz.:			
Per Act 32 Vict. cap. 1. s. 2.	3,900,000	–	–
Per Act 32 Vict. cap. 8.	17,100,000	–	–
Per Section 1 of this Act	21,746,684	2	3
Per Section 4 of this Act (being surplus ways and means granted for the service of preceding years)	798,132	17	9
Total Grants of Ways and Means to meet the following Supplies: 1868&1869	4,506,272	13	4
1869–70	43,544,817	0	0
	48,051,089	13	4

PART II.

Abstract of the Supplies granted by this Act.

	£	£	s.	d.
For the year 1867–8 (deficiencies):				
Navy services (Section 6)		366,545	5	6
Civil services (Section 7, Schedule B.)		400,894	7	4
Post Office packet service (Sec. 8.)		6,989	0	6
For the year 1868–9 (supplemental):				
Expedition to Abyssinia (Sect. 10)		3,600,000	–	–
Civil services (Sect. 9, Schedule C.)		131,844	–	–
For the year 1869–70:				
Navy services (Sec. 11, Schedule D.)		9,996,641	–	–
Army services (Sec. 12, Schedule E.)		14,230,400	–	–
Exchequer bonds (Sec. 13)		3,300,000	–	–
Civil services, Class I. (Sec. 14, Schedule F.)	1,210,754			
Class II. (Sec. 15, Schedule G.)	1,733,681			
Class III. (Sec. 16, Schedule H.)	3,860,426			
Class IV. (Sec. 17, Schedule I.)	1,644,370			
Class V. (Sec. 18, Schedule J.)	643,200			
Class VI. (Sec. 19, Schedule K.)	487,401			
Class VII. (Sec. 20, Schedule L.)	135,674			
		9,715,506	–	–
Revenue departments (Sec. 21, Schedule M.)		5,065,800	–	–
Post Office packet service (Sec. 22)		1,089,780	–	–
Advances for new courts of justice and offices (Sec. 23)		14,093	–	–
Advances for Greenwich hospital and school (Sec. 24)		132,597	–	–
Total of Supplies chargeable upon the above Ways and Means		48,051,089	13	4

SCHEDULE (B.)

Schedule of Sums comprised in the sum of 400,894*l.* 7*s.* 4*d.*, granted by section 7, to make good deficiencies on the several grants for civil services herein particularly mentioned for the year ended on the 31st day of March 1868; viz.:—

		£	s.	d.
Class I.	Royal palaces	7,704	2	2
	British embassy houses, Paris and Madrid	2,048	10	9
	Public Record Repository	2,363	14	6
	British consulate and embassy houses, Constantinople	334	15	5
Class II.	Office of Works and Public Buildings	780	19	2
	Office of Woods, Forests, and Land Revenues (1866–7 and 1867–8)	1,494	18	3
	Inspectors of factories, fisheries, &c.	7,355	12	3
	Household of Lord Lieutenant, Ireland	1,377	11	10
	Chief Secretary, Ireland, offices	1,874	7	11
	Superintendent of Roads, South Wales	122	7	2
	Landed Estates Record Offices	177	4	11
	Printing and stationery	8,468	9	10
Class III.	Law charges, England	458	10	2
	Criminal prosecutions, &c.	22,234	18	1
	Police, counties and boroughs, Great Britain	196,136	14	7
	Probate Court	10,803	12	11
	County courts	66,288	1	4
	Land Registry Office	89	3	8
	Court of Chancery, Ireland	7,302	7	0
	Courts of Queen's Bench, Common Pleas, and Exchequer, Ireland	6,444	3	3
	Officers of the judges on circuit, Ireland	2,202	16	0
	Registry of judgments, Ireland	373	1	10
	Court of Bankruptcy and Insolvency, Ireland	534	19	4
	Court of Probate, Ireland	1,461	7	7
	Landed Estates Court, Ireland	2,689	11	8
	Dublin metropolitan police and police justices, Ireland	803	1	9
	Maintenance of prisoners in county gaols, &c. and removal of convicts	4,712	11	7
	Convict establishments in the colonies	15,180	6	4
Class IV.	Royal Irish Academy	61	10	0
	Belfast theological professors	144	1	9
Class V.	Governors and others, West Indies, &c.	1,504	18	3
	Treasury chest	2,303	13	3
	Ministers at foreign courts, extraordinary expenses	5,384	16	9
	Special missions, outfits, &c.	4,741	6	0
Class VI.	Superannuation and retired allowances	547	11	7
	Relief of distressed British seamen	2,787	5	0
	Nonconforming and other Ministers, Ireland	2,690	3	0
Class VII.	Temporary commissions	3,357	16	11
	Flax cultivation in Ireland	500	0	0
	Miscellaneous expenses from civil contingencies	5,053	3	7
	Total £	400,894	7	4

SCHEDULE (C.)

Schedule of Sums comprised in the sum of 131,844*l.* granted by section 9 to defray charges for certain Supplementary Grants for Civil Services for the year ended on the 31st day of March 1869; viz.:—

		£	s.	d.
Class I.	Public buildings	11,738	–	–
	University of London—buildings	5,000	–	–
Class II.	Printing and stationery	18,000	–	–
Class III.	Law charges, England	10,000	–	–
	Criminal prosecutions, sheriffs expenses, &c.	12,000	–	–
	Common law courts, England	10,000	–	–
	County prisons and reformatories, &c. Great Britain	10,000	–	–
	Common law courts, Ireland	2,000	–	–
	Criminal proceedings, Scotland	5,000	–	–
	Courts of law and justice, Scotland	1,000	–	–
	Constabulary of Ireland	17,200	–	–
Class V.	Livingstone search expedition	1,906	–	–
	Compensation to Abyssinian captives	9,000	–	–
Class VI.	Superannuations and retired allowances	19,000	–	–
	Total £	131,844	–	–

SCHEDULE (D.)—Supplies.

NAVY.

Schedule of Sums comprised in the sum of 9,996,641*l.* granted by section 11 of this Act to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding £
1.	For wages to 63,300 seamen and marines	2,762,353
2.	For victuals and clothing for seamen and marines	1,172,268
3.	For salaries of the officers and contingent expenses of the Admiralty Office	168,704
4.	For salaries and expenses of the coast guard service, the royal naval coast volunteers, and royal naval reserve	224,073
5.	For salaries of the officers and contingent expenses of the several scientific departments of the navy	62,820
6.	For salaries of the officers and contingent expenses of Her Majesty's dockyards and naval yards at home and abroad	1,086,004
7.	For salaries of the officers and contingent expenses of Her Majesty's victualling yards and transport establishments at home and abroad	80,671
8.	For naval medical establishments at home and abroad	54,757
9.	For royal marine divisions	16,566
10.	For naval stores for the building, repair, and outfitting the fleet and coast guard	801,572
10.	For steam machinery for Her Majesty's ships and vessels, and for payments to be made for ships and vessels building or to be built by contract	767,070
11.	For new works, buildings, machinery, and repairs in the naval establishments	749,816
12.	For medicines, medical stores, &c.	79,300
13.	For martial law and law charges	18,144
14.	For various naval miscellaneous services	120,650
15.	For half pay, reserved and retired pay to officers of the navy and royal marines	723,231
16.	For military pensions and allowances	569,728
16.	For civil pensions and allowances	222,566
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army	316,348
	Total Navy Services £	9,996,641

SCHEDULE (E.)—Supplies.

ARMY.

Schedule of Sums comprised in the sum of 14,230,400*l.* granted by section 12 of this Act to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding £
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of India	5,313,800
2.	For the commissariat establishment, services, and movement of troops	1,185,600
3.	For clothing establishments, services, and supplies	460,800
4.	For the barrack establishment, services, and supplies	512,900
5.	For divine service	43,800
6.	For martial law	2,000
7.	For the hospital establishment, services, and supplies	366,800
8.	For the militia and inspection of reserve forces	952,700
9.	For the yeomanry cavalry	89,300
10.	For the volunteer corps	414,000
11.	For the army reserve forces, including enrolled pensioners	81,200
12. 13.	For the military store departments, and for supply and repair of warlike and other stores, for land and sea service, including manufacturing departments	1,150,000
14.	For the superintending establishment of, and the expenditure for, works, buildings, and repairs at home and abroad	884,000
15.	For military education	158,200
16.	For the surveys of the United Kingdom	118,500
17.	For miscellaneous services	90,600
18.	For the administration of the army	223,400
19.	For rewards for distinguished services	27,000
20.	For the pay of general officers	73,000
21.	For the full pay of reduced and retired officers, and half pay	480,500
22.	For widows pensions and compassionate allowances	156,400
23.	For pensions and allowances to wounded officers	22,300
24.	For Chelsea and Kilmainham hospitals, and the in-pension thereof	34,400
25.	For the out-pensioners of Chelsea Hospital, &c.	1,239,300
26.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps	17,900
27.	For superannuation allowances, &c.	132,000
	Total Army Services £	14,230,400

SCHEDULE (F.)—Supplies.

CIVIL SERVICES.—Class I.

Schedule of Sums granted by section 14 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding £
1.	For the maintenance and repair of the royal palaces	54,418
2.	For the royal parks and pleasure gardens	128,825
3.	For the maintenance and repair of public buildings; for providing the necessary supply of water for the same; for rents of houses for the temporary accommodation of public departments, and charges attendant thereon	122,479
4.	For the supply and repair of furniture in the public departments	14,000
5.	For purchase of lands for new palace at Westminster, and further embankment of the Thames	25,000
6.	For the buildings of the Houses of Parliament	47,026
7.	For the purchase of land and houses near Downing Street site for public offices	48,000
8.	For erecting offices in Downing Street for the Secretaries of State for the Home and Colonial Departments	32,000
9.	For enlarging the Public Record Repository, and providing the necessary fittings	30,000
10.	For the repair and restoration of the chapter house at Westminster	3,635
11.	For expenses connected with the Probate Court and registries	8,264
12.	For one half of the expense of erecting, improving, and maintaining court houses or offices for the sheriff courts in Scotland	29,048
13.	Towards the purchase of a site for the enlargement of the National Gallery	55,000
14.	For erecting a building for the University of London	30,000
15.	For a grant in aid of buildings for the University of Glasgow	20,000
16.	For the extension of the Industrial Museum, Edinburgh	10,000
17.	For erecting a new building on the site of the wings of Burlington House, and for new buildings for the occupation of various learned bodies	64,834
18.	For expenses of works and buildings at the Post Office and Inland Revenue	135,045
19.	For constructing certain harbours of refuge, for works and expenses at the new packet harbour and harbour of refuge at Holyhead, for Portpatrick Harbour, and for works at Spurn Point, &c.	69,475
	Carried forward	927,049

No.		Sums not exceeding
		£
	Brought forward - -	927,049
20.	For works and expenses at Portland Harbour - -	5,300
21.	For a contribution towards the establishment and maintenance of a fire brigade in the metropolis - -	10,000
22.	For contributions in aid of local assessments for the relief of the poor and for other purposes in respect of certain descriptions of government property, and for salaries and expenses connected with the investigation of claims for contributions - - - - - - -	29,839
23.	For the Wellington monument - - - -	2,800
24.	For the erection of the Palmerston monument - -	667
25.	For erecting, repairing, and maintaining the several public buildings in the department of the Commissioners of Public Works in Ireland - - - - - - -	145,455
26.	For the restoration of the works of the Ulster Canal -	3,362
27.	For erecting and maintaining certain lighthouses abroad -	31,810
28.	For the maintenance and repairs of embassy houses abroad -	1,887
29.	For the British embassy houses, chapel, consular offices, &c. at Constantinople, China, Japan, and Tehran - -	52,585
	Total Civil Services, Class I. - £	1,210,754

SCHEDULE (G.)—Supplies.

CIVIL SERVICES.—Class II.

Schedule of Sums granted by section 15 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding £
1.	For salaries and expenses in the offices of the House of Lords	46,438
2.	For salaries and expenses in the offices of the House of Commons	54,482
3.	For salaries and expenses of the department of Her Majesty's Treasury	59,275
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices	85,696
5.	For salaries and expenses in the department of Her Majesty's Secretary of State for Foreign Affairs	70,413
6.	For salaries and expenses in the department of Her Majesty's Secretary of State for the Colonies	34,884
7.	For salaries and expenses in the department of Her Majesty's Most Honourable Privy Council and subordinate departments	41,413
8.	For salaries and expenses in the office of the Committee of Privy Council for Trade, and of the subordinate departments	101,033
9.	For the salaries and expenses of the office of the Lord Privy Seal	2,921
10.	For salaries and expenses of the Charity Commission for England and Wales	19,265
11.	For conducting the business of the Civil Service Commission	9,694
12.	For the expense of the Copyhold, Inclosure, and Tithe Commission	20,281
13.	For the imprest expenses of the Inclosure and Drainage Acts	11,000
14.	For salaries and expenses in the department of the Comptroller and Auditor General	37,324
15.	For salaries and expenses in the department of the Registrar General of Births, &c. in London	42,060
16.	For certain expenses of the office of the Commissioners in Lunacy in England	5,000
17.	For the establishment of the Mint, including expenses of the coinage	45,550
18.	For salaries and expenses in the National Debt Office	16,110
19.	For salaries and expenses connected with the Patent Law Amendment Act	34,669
20.	For salaries and expenses in the department of Her Majesty's Paymaster General in London and Dublin and subordinate offices	20,417
	Carried forward	757,925

No.		Sums not exceeding
	Brought forward -	£ 757,925
21.	For expenses connected with the administration of the laws relating to the poor - - - - -	211,762
22.	For salaries and expenses of the Public Record Office -	22,624
23.	For salaries and expenses of the establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners - - - -	4,509
24.	For salaries and expenses in the offices of the Registrars of Friendly Societies in England, Scotland, and Ireland -	2,484
25.	For stationery, printing, binding, and printed books for the several public departments, and for stationery, printing, binding, and paper, for the two Houses of Parliament, including the salaries and expenses of the Stationery Office -	412,635
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - - - -	27,227
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings - -	34,222
28.	For Her Majesty's foreign and other secret services -	27,000
29.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain officers in Scotland, and other charges formerly paid from the hereditary revenue - -	6,317
30.	For salaries and expenses of the Board of Fisheries in Scotland - - - - - -	13,298
31.	For salaries and expenses in the department of the Registrar General of Births, &c., Scotland - - -	7,391
32.	For salaries and expenses of the Lunacy Board in Scotland - - - - - -	6,166
33.	For salaries and expenses connected with the administration of the Poor Law in Scotland - - - -	17,838
34.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses -	6,164
35.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London -	23,453
36.	For charges connected with the boundary survey, Ireland -	500
37.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - -	2,238
38.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of collecting agricultural and emigration statistics in Ireland -	20,722
39.	For the administration of the laws relating to the poor in Ireland - - - - - - -	97,328
40.	For salaries and expenses of the Public Record Office, and of the keeper of the State Paper Office in Ireland -	4,682
41.	For salaries and expenses of the office of Public Works in Ireland - - - - - - - -	27,196
	Total Civil Services, Class II. - £	1,733,681

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SCHEDULE (H.)—Supplies.

CIVIL SERVICES.—Class III.

Schedule of Sums granted by section 16 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding £
1.	For law charges, and for salaries, allowances, and incidental expenses, including prosecutions relating to coin, in the department of the solicitor for the affairs of Her Majesty's Treasury	41,835
2.	For prosecutions at assizes and quarter sessions, formerly paid out of county rates, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace under the same Act, and other expenses of the same class	199,973
3.	For such salaries and expenses of the Court of Chancery as are not charged upon the Consolidated Fund	88,500
4.	For such salaries and expenses of the Superior Courts of Common Law as are not charged upon the Consolidated Fund	72,242
5.	For such salaries and expenses of the Court of Bankruptcy as are not charged upon the Consolidated Fund	49,500
6.	For salaries and expenses of the county courts	487,575
7.	For salaries and expenses of the courts of Probate and Divorce and Matrimonial Causes in England	91,733
8.	For salaries and expenses in the offices of the Registrar and Marshal of the High Court of Admiralty	13,870
9.	For salaries and contingent expenses of the Office of Land Registry	5,490
10.	For salaries and expenses of the police courts of London and Sheerness	32,224
11.	For the metropolitan police	211,449
12.	For police in counties and boroughs in England and Wales, and for police in Scotland	282,000
13.	For government prisons and for the maintenance of convicts in government prisons in England, and expenses of transportation	327,712
14.	For maintenance of prisoners in county and borough prisons, reformatory institutions, and industrial schools, and of criminal lunatics in private asylums in Great Britain	282,632
15.	For maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England	32,910
16.	For miscellaneous legal charges	21,335
17.	For salaries and incidental expenses connected with criminal proceedings in Scotland	75,198
	Carried forward	2,316,178

No.		Sums not exceeding
		£
	Brought forward -	2,316,178
16.	For salaries and expenses of the officers of the Courts of Law and Justice in Scotland - - -	54,764
17.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - -	22,099
18.	For management of prisons in Scotland, and for maintenance of prisoners in prisons at Perth, Ayr, &c. - -	24,949
19.	For the expense of criminal prosecutions and other law charges in Ireland - - - - - -	87,364
20.	For such salaries and expenses of the Court of Chancery in Ireland as are not charged on the Consolidated Fund -	44,379
21.	For such salaries and expenses of the Superior Courts of Common Law in Ireland as are not charged on the Consolidated Fund - - - - - -	30,097
22.	For salaries and the incidental expenses of the Court of Bankruptcy and Insolvency in Ireland - - -	8,510
23.	For salaries and expenses of the Landed Estates Court in Ireland - - - - - - -	13,003
24.	For salaries and expenses of the Court of Probate and of the District Registries in Ireland - - -	11,380
25.	For salaries and expenses of the Admiralty Court Registry in Ireland - - - - - - -	2,130
26.	For salaries and expenses of the Office for the Registration of Deeds in Ireland - - - - -	14,857
27.	For salaries and expenses in the Office for the Registration of Judgments in Ireland - - - -	3,262
28.	For salaries of the Commissioners of Police, and for the expense of the police courts and of the metropolitan police, Dublin - - - -	97,043
29.	For the constabulary force, Ireland - - -	905,544
30.	For superintendence of prisons and reformatory schools, and maintenance of convicts in government prisons, and of juvenile offenders in reformatory schools in Ireland -	71,193
31.	For maintenance of prisoners in county and borough gaols in Ireland - - - - - -	9,000
32.	For maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - -	4,872
33.	For salaries and expenses of the Four Courts Marshalsea, Dublin - - - - - -	2,530
34.	For certain miscellaneous legal expenses in Ireland -	8,820
35.	For the convict establishments in the colonies - -	128,452
	Total Civil Services, Class III. - - £	3,860,426

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SCHEDULE (I.)—Supplies.

CIVIL SERVICES.—Class IV.

Schedule of Sums granted by section 17 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

	Sums not exceeding
	£
1. For public education in Great Britain	840,711
2. For the salaries and expenses of the Department of Science and Art, and of the establishments connected therewith	233,453
3. For salary and expenses of the British Museum establishment, and for expenses of buildings, furniture, fittings, &c.	113,203
4. For salaries and expenses of the National Gallery, including the purchase of pictures	15,978
5. For the formation of the National Portrait Gallery	1,710
6. For grants in aid of the expenditure of certain learned societies in Great Britain	12,300
7. For the University of London	9,449
8. For the salaries and incidental expenses of the Endowed Schools Commission	8,000
9. For grants to Scottish universities	18,337
10. On account of the annuity to the Board of Manufactures in Scotland, in discharge of equivalents under the Treaty of Union, and for the exhibition of the Torrie Collection, and for other purposes	3,100
11. For public education under the Commissioners of National Education in Ireland	373,950
12. For the expenses of the Office of the Commissioners of Education in Ireland	730
13. For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures	2,240
14. For the Royal Irish Academy	1,684
15. For the Queen's University in Ireland	3,210
16. For the Queen's Colleges in Ireland	4,265
17. For salaries of the theological professors, and the incidental expenses of the General Assembly's College at Belfast	2,050
Total Civil Services, Class IV. £	1,644,370

SCHEDULE (J.)—Supplies.

CIVIL SERVICES.—Class V.

Schedule of Sums granted by section 18 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding
		£
1.	For the expenses of Her Majesty's embassies and missions abroad	233,367
2.	For the consular establishments abroad, and for other expenses chargeable on the consular vote	261,451
3.	For the salaries and allowances of governors, &c., and for other expenses in certain colonies	68,298
4.	For the Orange River Territory (Cape of Good Hope) and the island of St. Helena	4,134
5.	For salaries and expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves	7,360
6.	For tonnage bounties and bounties on slaves, and for expenses of the Liberated African department	35,343
7.	For the Emigration Board and Emigration Officers at the different ports of this kingdom, and for certain other expenses connected with emigration	13,500
8.	For expenses connected with the emigration of Coolies from India to French colonies	700
9.	On account of the Treasury chest	19,047
	Total Civil Services, Class V. £	643,200

SCHEDULE (K.)—Supplies.

CIVIL SERVICES.—Class VI.

Schedule of Sums granted by section 19 of this Act to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding
1.	For superannuation and retired allowances to persons formerly employed in the public service - - -	320,377
2.	For pensions to masters and seamen of the merchant service, and to their widows and children, under the Merchant Seamen's Fund Act, and for compensation to the late officers of the trustees of the Merchant Seamen's Fund - - - - - - - - -	47,600
3.	For the relief of distressed British seamen abroad - -	45,400
4.	For non-conforming, seceding, and Protestant dissenting ministers in Ireland - - - - - -	41,320
5.	For the support of certain hospitals and infirmaries, Ireland	19,045
6.	For miscellaneous, charitable, and other allowances in Great Britain - - - - - - -	6,825
7.	For certain miscellaneous, charitable, and other allowances in Ireland - - - - - -	6,834
	Total Civil Services, Class VI. - £	487,401

SCHEDULE (L.)—Supplies.

CIVIL SERVICES.—Class VII.

Schedule of Sums granted by section 20 of this Act to defray the Charge of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses of temporary commissions -	46,000
2.	For payments on account of the difference of dues payable by British and foreign vessels under treaties of reciprocity	46,147
3.	For the expense of the telegraphic cable laid down between Malta and Alexandria, and of the Balmoral telegraph -	780
4.	For encouraging the cultivation of flax in Ireland - -	3,000
5.	For certain miscellaneous expenses - - - -	39,747
	Total Civil Services, Class VII. - £	135,674

SCHEDULE (M.)—Supplies.

REVENUE DEPARTMENTS.

Schedule of Sums granted by section 21 of this Act to defray the charges of the several Revenue Departments herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1870; viz.:—

No.		Sums not exceeding
		£
1.	For the salaries and expenses of the Customs Department -	1,008,343
2.	For the salaries and expenses of the Inland Revenue Department - - - - -	1,604,616
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and of government annuities and insurances, and of the collection of the Post Office revenue - - - - -	2,362,841
	For the salaries and expenses of the telegraph service -	90,000
	Total Revenue Departments - - - £	5,065,800

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 94.

An Act to amend the New Parishes Acts and Church Building Acts. [9th August 1869.]

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Powers of New Parishes Acts to apply at any time to new parishes for ecclesiastical purposes.

1. The powers and provisions relating to the alteration of the boundaries of districts which are contained in the ninth section of the "New Parishes Act, 1844," shall, notwithstanding the lapse of the periods of twelve months and five years mentioned in the same section and in the twenty-seventh section of the Act of the thirteenth and fourteenth years of Her Majesty, chapter ninety-four, respectively, or either of them, be at any time applicable to the alteration of the boundaries of any and every ecclesiastical district which may or shall have become a new parish for ecclesiastical purposes under the provisions of the "New Parishes Acts," whether such district has been or shall have been originally created under the provisions of the said Acts or any of them, or of any other Act of Parliament.

Pews or sittings may be surrendered to Ecclesiastical Commissioners.

2. Whenever by virtue of any public or private Act of Parliament now or hereafter in force, or by virtue of any deed or instrument, the pews or sittings, or some or one of the pews or sittings, in any church or chapel, consecrated or unconsecrated, are or is or shall be subject to any trust as to the grant, demise, sale, or disposal of such pews or sittings, pew or sitting, or are, is, or shall be the private property for any estate whatsoever of any person or persons, then and in every such case it shall be lawful for the trustees of such church or chapel, or other the persons exercising powers of grant, demise, sale, or disposal as aforesaid, or for all or any persons possessing on their own behalf or on the behalf of others

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any rights, qualified or unqualified, of ownership, by reason of any such grant, demise, sale, or disposal as aforesaid, or for any person or persons to whom any pews or sittings, pew or sitting, in such church or chapel, shall belong, for any estate whatsoever, under or by virtue of such Act of Parliament, deed, or instrument as aforesaid, with or without consideration, to surrender and for ever yield up, either altogether or separately, and according to the nature and extent of their several rights and interests, to the bishop of the diocese wherein such church or chapel is situate, or to the Ecclesiastical Commissioners for England, who are hereby respectively authorized to accept every such surrender, all rights of ownership, grant, demise, sale, disposal, or other right whatsoever which they the said trustees, persons or person, may have in, over, or in respect of such pews or sittings, pew or sitting.

Surrender to be by deed, executed by the parties, including bishop of diocese.

3. Every such surrender shall be made by deed executed by all the parties to the same, amongst whom shall be included the bishop of the diocese wherein the church or chapel to be affected by it is situate, and the patron or patrons of such church or chapel aforesaid; and such deed shall be registered in the registry of the said diocese.

Upon surrender all rights of ownership, &c. to cease.

4. So soon as all rights and powers over or in respect of the pews or sittings in any such church or chapel shall have been surrendered to the bishop of the diocese or to the said commissioners as aforesaid, the trusts or rights of ownership, and the obligations affecting such pews or sittings, or any of them, under such Act of Parliament, deed, or instrument as aforesaid, shall at once and ipso facto determine, and all the provisions of such Act of Parliament, deed, or instrument as to pews or sittings in such church or chapel shall thenceforth be void and of none effect.

And pews, &c. subject as pews of ancient parish churches.

5. From and after every such surrender to the said bishop or commissioners, the pews or sittings, pew or sitting, affected thereby shall, to the extent of the rights or powers expressed to be surrendered, be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches are now subject to: Provided that if the church or chapel be not consecrated such pews or sittings, pew or sitting, shall belong absolutely to the bishop and his successors or to the said commissioners, as the case may be, until the consecration of the said church or chapel, and from and after the consecration thereof the right of the said bishop or commissioners shall cease, and the said pews or sittings shall be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

Powers herein-before contained to apply to and authorize absolute transfer to Ecclesiastical Commissioners.

6. The powers and provisions herein-before contained as to pews and sittings subject to trusts as aforesaid in any such church or chapel as aforesaid shall, mutatis mutandis, be held to apply to and shall be held to authorize the absolute transfer and conveyance to the said commissioners, by any deed or deeds, made without consideration and executed by all the parties thereto as aforesaid, of the freehold of any church or chapel, consecrated or unconsecrated, and of the vaults therein or thereunder, which, under or by virtue of any such Act of Parliament, deed, or instrument as aforesaid, is or are or shall be vested in any persons or person in their own right or as trustees or trustee of such church or chapel for an estate in perpetuity; and if such church or chapel be unconsecrated at the time of such transfer and conveyance, such freehold so transferred and conveyed shall remain in the said commissioners until the consecration of the same church or chapel, and shall then ipso facto become subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

Upon complete surrender, all rights created by Act for building church to cease.

7. In every case in which a complete surrender and determination of the rights, powers, obligations, and trusts affecting the pews or sittings in a church or chapel shall have been carried out as aforesaid, and in every case in which such transfer and conveyance as aforesaid of the freehold of a church or chapel, and the vaults (if any) thereof, shall have been effected, all other rights, powers, obligations, and trusts created, conferred, or enforced as to such church or chapel by the Act of Parliament, deed, or instrument under which such church or chapel was built, shall upon such complete surrender and determination, or (as the case may be) such transfer and conveyance, absolutely cease and determine; provided always, that such cesser and determination shall not diminish or in anywise affect any right or rights of patronage.

Provision for sites of churches pulled down.

8. In and by any faculty granted by a bishop for wholly pulling down any church, under the provisions contained in the first section of the Act eighth and ninth Victoria, chapter seventy, it shall be lawful to make such provision as such bishop may deem proper and expedient for the use or preservation of the site of such church, either by the incumbent of the substituted church, or by the churchwardens of the parish wherein such site lies, or by any other person being the owner of the freehold of the land adjoining such site with the consent of the incumbent and of such other person.

The portions of a benefice held in seve-

9. In every case where the respective incumbents of two or more benefices held in severalty (whether each of such benefices belongs

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ralty may be consolidated into one.

to the same patron or to different patrons) have or shall have by statute or by custom the right in virtue of their respective incumbencies to execute the office of an incumbent within one and the same church, and within no other church other than a chapel of ease, then the powers and provisions given by and contained in the seventy-second section of the Act of the third and fourth years of Her Majesty, chapter one hundred and thirteen, with respect to the consolidation of two or more portions of a benefice divided as therein mentioned into one benefice to be held by one incumbent, shall, subject to the conditions therein expressed, be available for and shall apply to and may be used for effecting the consolidation of both or all of such benefices into one benefice to be held by one incumbent, and this notwithstanding that such benefice when so united may include the cure of souls within more than one parish: Provided always, that any plan or scheme for such consolidation to be framed under the provisions of the Act last mentioned may contain a regulation that such consolidation shall not take effect until after the next avoidance of any one or more of such benefices to be specially named in such plan or scheme; and provided also, that nothing herein contained shall be held to create an union of the two or more parishes so as aforesaid to be included within such united benefice, but that each of such parishes shall remain for all purposes, civil and ecclesiastical, precisely in the same position as if no such union of benefices as aforesaid had taken place.

Part of 19 & 20 Vict. c. 104. s. 18. repealed.

10. So much of the eighteenth section of the Act of the nineteenth and twentieth Victoria, chapter one hundred and four, as requires that in the case of a benefice in the patronage of the incumbent for the time being of any other benefice the consent of the patron of such other benefice, if a private patron, shall be necessary in order to effect an assignment of patronage under the last-mentioned Act, is hereby repealed, but the private patron in any such case shall have one month's notice from the Ecclesiastical Commissioners, and he may require the commissioners to assess the amount of diminution in the value of his advowson, if any, likely to be caused by any contemplated assignment of patronage under the said Act, or may require that such diminution shall be ascertained by reference to the decision of two arbitrators, one to be appointed by himself and the other by the commissioners, and if thereupon it shall appear that any such diminution will be caused by the assignment of patronage contemplated, such private patron

shall be entitled to claim and recover the amount of such diminution from the person or persons or body to whom the said assignment of patronage may be made.

As to parish where there is no church and no patron.

11. In the case of any parish or place wherein there is no parish church nor any person known to be or claiming to be patron of the ancient church or advowson, if any, of such parish or place, then for all purposes of forming an ecclesiastical district or ecclesiastical districts either wholly or partly out of such parish or place under the powers of the Church Building Acts or New Parishes Acts, or any other Act or Acts of Parliament now or hereafter in force, such parish or place shall be deemed to be and shall be treated for such purposes as an extra-parochial place, and in any case in which notice shall be required to be sent or given to a patron under the provisions of such Acts or any of them it shall be sufficient with respect to such parish or place so to be treated as an extra-parochial place as aforesaid to send or give such notice to the bishop of the diocese alone, and such notice when so sent or given shall be held to be a full compliance with the requirements of the said Acts or Act in respect of such notice: Provided always, that nothing herein contained shall affect the rights of the Crown, if any, with regard to any such parish or place.

Contract for the assignment of patronage under the Church Building and New Parishes Acts not to be simoniacal.

12. No contract, agreement, or arrangement under any of the provisions of the Church Building Acts or New Parishes Acts relative to the exercise by, or the vesting in, or the assignment to any body or person of the right of patronage of or presentation to any church or chapel, in consideration of such body or person erecting or enlarging or contributing towards or procuring or agreeing to procure the erecting or the enlarging of such church, or permanently endowing or contributing towards or procuring or agreeing to procure the permanent endowment of such church or of its incumbent or minister, shall be deemed corrupt or simoniacal.

Certain assignments of patronage under Church Building and New Parishes Acts to be valid, and none of the penalties against simony to attach.

13. Every instrument whereby any declaration or assignment or other disposition of any right of patronage or of presentation to any church or chapel has already been made, or shall hereafter be made under any of the provisions of the said Acts, or in pursuance of any such contract or agreement as aforesaid, shall be deemed to have been and shall be good; and every presentation, institution, or induction which has already taken place, or shall hereafter take place in pursuance thereof, or of any such contract, agreement, or arrangement as aforesaid, shall be deemed to have been and shall be good, and no penalty or disability under

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either the canon law or the common or statute law shall be deemed to have been or shall be thereby incurred.

Meaning of "church" and "chapel."

14. The words church and chapel in this Act shall apply only to churches and chapels of the Established Church of England.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 95.

An Act to enable Military Offenders to be confined in Millbank Prison. [11th August 1869.] A.D. 1869.

WHEREAS it is expedient to provide that military offenders subject to imprisonment may be confined in Millbank Prison:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Millbank Prison Act, 1869."

Power to remove military prisoners.

2. From and after the passing of this Act any military prisoner may be sent, removed, or transferred to the Millbank Prison for the purpose of undergoing his sentence, by the same authority and in the same manner in and by which such prisoner might, for such purpose, in pursuance of the Mutiny Act, be sent to any public prison, or removed from one public prison to another, or transferred from a military prison to a public prison; subject, nevertheless, to the provisions of the Millbank Acts as to his freedom from any putrid or infectious distemper, or to his being examined and certified by the medical officer of the Millbank Prison to be fit to be received into the same.

Any military prisoner sent, removed, or transferred to Millbank Prison in pursuance of this Act shall, during his continuance in such prison, be subject to the Millbank Acts, in the same manner as if he were a convict in the custody of the governor of the said prison in pursuance of the Millbank Acts; and the said prison shall be deemed to be a prison for the punishment of prisoners sent, removed, or transferred thereto in pursuance of this Act, as well as of convicts under sentence of penal servitude; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to make regulations with respect to the treatment of military prisoners

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who may be confined in such prison, but, until such regulations are made, such prisoners shall be subject to the regulations for the time being applicable to convicts in such prison under sentence of penal servitude.

Before any military prisoners are received into the Millbank Prison, the Commissioners of the Treasury shall determine the rate to be charged for the maintenance of such prisoners, and out of what funds such rate is to be defrayed.

Discharge of military offender from Millbank.

3. Any military prisoner may be discharged from the Millbank Prison or delivered over to military custody out of the Millbank Prison, in the same manner and by the same authority in and by which he might be discharged or so delivered under the Mutiny Act from a public prison other than a military prison.

Interpretation of terms.

4. In the construction of this Act the term "Mutiny Act" shall mean any Act for the time being in force for punishing mutiny and desertion, and for the better payment of the army and their quarters:

The term "military prisoner" shall mean any person subject to imprisonment by or in pursuance of the sentence of any court-martial, passed either before or after the passing of this Act:

The term "Millbank Acts" shall mean and include any Act or Acts for the time being in force for regulating the Millbank Prison.

LONDON: Printed by George Edward Eyre and William Spottiswoode
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 96.

An Act to amend the Contagious Diseases Act, 1866. A.D. 1869.

[11th August 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Contagious Diseases Act, 1869.

Construction of Act. **2.** This Act shall be construed as one with the Contagious Diseases Act, 1866, (in this Act referred to as the principal Act,) and with the Act of the session of the thirty-first and thirty-second years of the reign of Her present Majesty, chapter eighty, and those Acts and this Act may be cited together as the Contagious Diseases Acts, 1866 to 1869.

Temporary detention of women. **3.** Any woman who, on attending for examination or being examined by the visiting surgeon, is found by him to be in such a condition that he cannot properly examine her, shall, if such surgeon has reasonable grounds for believing that she is affected with a contagious disease, be liable to be detained in a certified hospital, subject and according to the provisions of the Contagious Diseases Acts, 1866 to 1869, until the visiting surgeon can properly examine her, so that she be not so detained for a period exceeding five days. The visiting surgeon shall sign a certificate to the effect that she was in such a condition that he could not properly examine her, and that he has reasonable grounds to believe that she is affected with a contagious disease, and shall name therein the certified hospital in which she is to be placed; and such certificate shall be signed and otherwise dealt with in the same manner, and have the same effect, except as regards duration, as a certificate under the principal Act.

If the reason that the visiting surgeon cannot examine the woman is that she is drunk, she may be detained upon an order of the visiting surgeon for a period not exceeding twenty-four hours in

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any place named in the order where persons accused of being drunk and disorderly or of offences punishable summarily are usually detained, and the gaoler or the keeper of such place shall upon the receipt of such order receive and detain the woman accordingly.

Notice by justice to woman being a common prostitute.

4. Where an information on oath is laid before a justice by a superintendent of police, charging to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within the limits of any place to which this Act applies, or, being resident within ten miles of those limits, or having no settled place of abode, has, within fourteen days before the laying of the information, either been within those limits for the purpose of prostitution, or been outside of those limits for the purposes of prostitution in the company of men resident within those limits, the justice may, if he thinks fit, issue a notice thereof addressed to such woman, which notice the superintendent of police shall cause to be served on her:

Provided that nothing in the Contagious Diseases Acts, 1866 to 1869, shall extend, in the case of Woolwich, to any woman who is not resident within the limits specified in the first schedule to this Act.

Section fifteen of the principal Act is hereby repealed, and the foregoing enactment in this section is substituted for it; provided that all proceedings taken and acts done under the section hereby repealed shall, notwithstanding, remain of full effect, and shall, if necessary, be continued as if they had been taken and done under this section.

Duration of order.

5. Any order for subjecting a woman to periodical medical examination shall be in operation and enforceable as long as and whenever such woman is resident within ten miles of the limits of the place where the order was made, instead of within five miles, as prescribed by section thirty-two of the principal Act.

Effect of voluntary submission by women.

6. Where any woman, in pursuance of the principal Act, voluntarily subjects herself by submission in writing to a periodical medical examination under that Act, such submission shall, for all the purposes of the Contagious Diseases Acts, 1866 to 1869, have the same effect as an order of a justice subjecting the woman to examination; and all the provisions of the principal Act respecting the attendance of the woman for examination, and her absenting herself to avoid examination, and her refusing or wilfully neglecting to submit herself for examination, and the force of the order subjecting her to examination after imprisonment for such absence, refusal, or neglect, shall apply and be construed accordingly.

Duration of detention.

7. A woman may be detained for a further period not exceeding three months, in addition to the six months allowed under section twenty-four of the principal Act, if such certificate as is required by that section (to the effect that her further detention for medical treatment is requisite,) is given at the expiration of such six months; so, nevertheless, that any woman be not detained under one certificate for a longer time in the whole than nine months.

Custody of orders of discharge.

8. Where an order is made discharging a woman from any hospital, or where a certificate is given, under section thirty of the principal Act, that a woman is free from a contagious disease, such order and certificate shall be delivered to the superintendent of police, and retained by him.

Application to surgeon for relief from examination.

9. Any woman subjected, either on her own submission or under the order of a justice, to a periodical medical examination under the principal Act, who desires to be relieved therefrom, and is not under detention in a certified hospital, may make application in writing in that behalf to the visiting surgeon.

The visiting surgeon shall cause a copy of such application to be delivered to the superintendent of police, and if, after a report from such superintendent, he is satisfied by such report or other evidence that the applicant has ceased to be a common prostitute, may, by order under his hand, direct that she be relieved, and she shall thereupon be relieved, from periodical medical examination.

Such order shall be in triplicate; one copy shall be delivered to the woman, and two copies shall be delivered to the superintendent of police, who shall communicate one copy to the justice (if any) who made the order subjecting the woman to a periodical medical examination, or to his successor in office.

The provisions of this section shall be in addition to and not in substitution for the provisions of the principal Act for relieving a woman from examination.

Places to which Act extends.

10. The places to which the Contagious Diseases Acts, 1866 to 1869, apply, shall be the places mentioned in the first schedule to this Act, the limits of which places shall, for the purposes of the said Acts, be such as are defined in that schedule.

Forms in second schedule to be used.

11. The forms of certificates, orders, and other instruments given in the second schedule to this Act, or forms to the like effect, with such variations and additions as circumstances require, may be used

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for the purposes therein indicated, and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

Repeal of parts of 29 & 30 Vict. c. 35.

12. Sections four and thirty-eight of the principal Act, and the two schedules to that Act, are hereby repealed.

As to settlement of child born in certified hospital.

13. The settlement of a child born of the body of a mother while detained in a certified hospital shall be the same as if such hospital were a house licensed for the public reception of pregnant women under the Act of the thirteenth year of King George the Third, chapter eighty-two.

FIRST SCHEDULE.

Names of Places.	Limits of Places.
Aldershot	The limits of the following parishes; namely, Pirbright, Ash, Compton, Peper Harow, Frimley, Puttenham, Seal, Tongham, Elstead, Farnham, Bisley, } in the county of Surrey. Aldershot, Yateley, Crondall, Dogmersfield, Winchfield, Hartley Wintney, Cove, Eversley, Farnborough, Binsted, Bentley, } in the county of Hants. Sandhurst, in the county of Berks.
Canterbury	The limits of the following parishes or ecclesiastical districts; namely, St. Andrew. All Saints. St. Alphage. St. Mary Bredin. St. Mary Bredman. St. George-the-Martyr. St. Mary Magdalen. St. Margaret. St. Mildred. St. Mary, Northgate. St. Martin. St. Paul. St. Peter. The Archbishop's Palace. St. Dunstan. Christ Church. St. Gregory. Staplegate. Westgate Within. Westgate Without. St. Augustine. Old Castle.

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Names of Places.	Limits of Places.
Chatham - -	The limits of the following parishes and places; namely, Chatham. Gillingham. St. Nicholas, Rochester. St. Margaret, Rochester. The Precincts, Rochester. Brompton. New Brompton. Strood, Frindsbury, and The hamlet of Grange, otherwise Grench.
Colchester - -	The limits of the following parishes or ecclesiastical districts; namely, All Saints. St. Botolph. St. Giles. St. James. St. John. St. Leonard. St. Martin. St. Mary at the Walls. St. Mary Magdalene. St. Nicholas. St. Peter. St. Runwald. The Holy Trinity. St. Andrew's, Greenstead. Lexden. St. Michaels, Mile End.
Dover - - -	The limits of the parishes of— Buckland. Charlton. Hougham. St. Mary's. St. James's. Eastcliff (extra-parochial). Guston.
Gravesend - -	The limits of the parishes of— Gravesend. Milton. Northfleet. Denton. Chalk.
Maidstone - -	The limits of the parishes of— Maidstone. Barming. East Farleigh. Loose. Boughton Monchelsea. Allington, and The Hamlet of Tovil.

Names of Places.	Limits of Places.
Plymouth and Devonport	The limits of the following places; namely, The municipal borough of Plymouth. The parliamentary borough of Devonport. The district of Laira. The tithing of Pennycross or Western Peveril. The tithing of Compton Gifford. Torpoint in the county of Cornwall, within the distance of half a mile from the Ferry Gate. Ivy Bridge. The parishes of Plympton St. Maurice and Plympton St. Mary. Dartmouth.
Portsmouth - -	The limits of the following places and parishes; namely, The municipal borough of Portsmouth. The residue of the island of Portsea. The parish of Alverstoke. The township of Landport.
Sheerness - -	The limits of the parish of Minster, of the township of Queenborough, and of the Isle of Grain.
Shorncliffe - -	The limits of the following parishes; namely, Cheriton. Hythe. Folkstone. Walmer. Deal. Sholden. Mongeham. Ringwold. Ripple.
Southampton - -	The limits of the municipal borough of Southampton.
Winchester - -	The limits of the parliamentary borough of Winchester.
Windsor - -	The limits of the following parishes; namely, New Windsor, Old Windsor, Clewer, } in the county of Berks. Eton, Datchet, Upton, } in the county of Bucks.

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Names of Places.	Limits of Places.
Woolwich - -	The limits of the following parishes and places; namely, Woolwich. Plumstead. Charlton. St. Paul, St. Nicholas } Deptford. Hamlet of Hatcham. St. Alphage, Greenwich.

IRELAND.

The Curragh - -	The limits of the following parishes; namely, Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
Cork - - -	The limits of the borough of Cork for municipal purposes.
Queenstown - -	The limits of the town of Queenstown for the purposes of town improvement.

SECOND SCHEDULE.

Forms.

(A.)

Gazette Notice of Appointments.

London, 18 .

The Lords Commissioners of the Admiralty have [*or* the Secretary of State for War has] appointed *R.S.* to be visiting surgeon [*or* assistant visiting surgeon] for [*Portsmouth, or* the Lords Commissioners of the Admiralty and the Secretary of State for War have appointed *P.S.* to be inspector [*or* assistant inspector] of certified hospitals] under the Contagious Diseases Acts, 1866 to 1869.

(B.)

Certificate for Hospital provided by Admiralty, &c.

The Contagious Diseases Acts, 1866 to 1869.

In pursuance of the above-mentioned Acts, it is hereby certified by the commissioners for executing the office of Lord High Admiral of the United

A.D. 1869.

Kingdom [*or* by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department], that the following building [*or* part of a building], namely, [*here describe generally the building or part of building,*] has been provided by the said Lords Commissioners [*or* Secretary of State] as a hospital for the purposes of the said Acts.

Dated this day of 18 .

By order of the Lords Commissioners of the Admiralty.

Signed (*C.P.*)

Secretary of the Admiralty.

[*Or,*

By order of the Secretary of State for War.

Signed (*E.L.*)

Under-Secretary of State.]

(C.)

Certificate for Hospital not provided by Admiralty, &c.

The Contagious Diseases Acts, 1866 to 1869.

In pursuance of the above-mentioned Acts, it is hereby certified by the commissioners for executing the office of Lord High Admiral of the United Kingdom [*or* by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department], that the following building [*or* part of a building], namely, [the lock wards of the Portsmouth, Portsea, and Gosport hospital, *or as the case may be,*] is useful and efficient as a hospital for the purposes of the said Acts.

Dated this day of 18 .

By order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,

Secretary of the Admiralty.

[*Or*

By order of the Secretary of State for War.

(Signed) *E.L.*,

Under-Secretary of State.]

(D.)

Declaration of Withdrawal of Certificate.

The Contagious Diseases Acts, 1866 to 1869.

In pursuance of the above-mentioned Acts, it is hereby declared by the commissioners for executing the office of Lord High Admiral of the United Kingdom [*or* by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department], that the certificate under the said Acts

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dated the day of , constituting the hospital [*or as the case may be*] a certified hospital under the said Acts, has been and the same is hereby withdrawn as from the day of 18 .

Dated this day of 18 .

By order of the Lords Commissioners of the Admiralty.

(Signed) *C.P.*,
Secretary of the Admiralty.

[*Or*

By order of the Secretary of State for War.

(Signed) *E.L.*,
Under-Secretary of State.]

(E.)

Information.

to wit. } The information of *C.D.* of , Superintendent of Police for [*or as the case may be*] under The Contagious Diseases Acts, 1866 to 1869, taken this day of 186 , before the undersigned, one of Her Majesty's justices of the peace in and for the said [*county*] of who says he has good cause to believe that *A.B.* is a common prostitute, and is resident within the limits of a place to which the said Acts apply, that is to say, at in the [*county*] of [*or* is a common prostitute, and being resident within fifteen miles of a place to which the said Act applies, that is to say, at in the county of , was within fourteen days before the laying of this information, that is to say, on the day of , within those limits [*or* outside of those limits], that is to say, at in the county of for the purpose of prostitution [in the company of men resident within those limits].

Taken and sworn before me the day and year first above mentioned.

(Signed) *L.M.*

(F.)

Notice for Attendance of Woman.

To *A.B.* of

Take notice, that an information, a copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the provisions of the Acts therein mentioned, the truth of the statements therein contained will be inquired into before me, or some other justice, at , on the day of , at o'clock in the noon.

You are therefore to appear before me or such other justice at that place and time, and to answer to what is stated in the said information.

You may appear yourself, or by any person on your behalf.

If you do not appear, you may be ordered, without further notice, to be subject to a periodical medical examination by the visiting surgeon under the said Acts.

If you prefer it, you may, by a submission in writing signed by you in the presence of the Superintendent of Police [*or as the case may be*], and attested by him, subject yourself to such a periodical examination.

If you do so before the time above appointed for your appearance, it will not be necessary for you to appear then before a justice.

Dated this day of .

(Signed) *L.M.*
Justice of the peace for

[*Subjoin copy of information.*]

(G.)

Order subjecting Woman to Examination.

} Be it remembered, that on the day of
to wit. } in pursuance of The Contagious Diseases Acts, 1866 to 1869, I, one of Her Majesty's justices of the peace in and for the said [*county*] of do order that *A.B.* of be subject to a periodical medical examination by the visiting surgeon for [*Portsmouth, or as the case may be*] for calendar months from this day, for the purpose of ascertaining at the time of each such examination whether she is affected with a contagious disease within the meaning of the said Acts, and that she do attend for the first examination at on the day of at o'clock in the noon.

(Signed) *L.M.*

(H.)

Voluntary Submission to Examination.

The Contagious Diseases Acts, 1866 to 1869.

I *A.B.* of , in pursuance of the above-mentioned Acts, by this submission, voluntarily subject myself to a periodical medical examination by the visiting surgeon for [*Portsmouth, or as the case may be*] for calendar months from the date hereof.

Dated this day of 18 .

(Signed) *A.B.*

Witness,
X.Y.,
Superintendent of police for [*or as the case may be*].

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(J.)

Notice by Visiting Surgeon to Woman of Times, &c. of Examination.

To *A.B.* of

Take notice, that in pursuance of The Contagious Diseases Acts, 1866 to 1869, you are required to attend for medical examination as follows:

[*Here state times and places of examination.*]

Dated this day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth*].

(K.)

Certificate of Visiting Surgeon.

In pursuance of The Contagious Diseases Acts, 1866 to 1869, I hereby certify that I have this day examined *A.B.* of , and that she is affected with a contagious disease within the meaning of those Acts; and the certified hospital in which she is to be placed under the said Acts is the hospital.

Dated this day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth*].

(L.)

Certificate of Visiting Surgeon where Woman cannot properly be examined.

I hereby certify, that *A.B.*, on being examined by me this day, in pursuance of The Contagious Diseases Acts, 1866 to 1869, was in such a condition that I could not properly examine her, and I have reasonable ground to believe that she is affected with contagious disease within the meaning of those Acts, and the certified hospital in which she is to be placed under the said Acts is the hospital.

Dated this day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth*].

(M.)

Order of Visiting Surgeon for temporary Detention of Woman.

I hereby certify that *A.B.*, on attending this day for examination, in pursuance of The Contagious Diseases Acts, 1866 to 1869, was drunk, so that I

could not properly examine her, and I have reasonable ground to believe that she is affected with contagious disease within the meaning of those Acts, and I hereby order that she be detained in the lock-up [*or as the case may be*], at in accordance with the said Acts.

Dated this day of 18 .

(Signed) *E.F.*,
Visiting Surgeon for [*Portsmouth*].

(N.)

Order by Inspector of Certified Hospitals for Transfer.

By virtue of the power in this behalf vested in me by The Contagious Diseases Acts, 1866 to 1869, I hereby order that *A.B.* of , now detained under those Acts in the certified hospital of for medical treatment, be transferred thence to the certified hospital of

Dated this day of 18 .

(Signed) *M.N.*,
Inspector of certified hospitals.

(O.)

Certificate for Detention beyond Three Months.

The Contagious Diseases Acts, 1866 to 1869.

We, the undersigned, hereby certify that the further detention for medical treatment of *A.B.* of , now an inmate of this hospital, is requisite.

Dated this day of 18 , at the hospital.

(Signed) *M.N.*,
Inspector of certified hospitals,
[*or as the case may be.*]
G.H.,
Chief medical officer.

(P.)

Discharge from Hospital.

In pursuance of The Contagious Diseases Acts, 1866 to 1869, I hereby discharge *A.B.* of from this hospital [*add according to the fact*, and certify that she is now free from a contagious disease].

Dated this day of 18 , at the hospital.

(Signed) *G.H.*,
Chief medical officer.

A.D. 1869.

(Q.)

Certificate on Discharge from Imprisonment.

The Contagious Diseases Acts, 1866 to 1869.

Whereas under the above-mentioned Acts, *A.B.* of was on the day of convicted of the offence of and has since been imprisoned for that offence in the gaol of and is now discharged from imprisonment therein: Now in pursuance of the said Acts, I hereby certify that she is now free from a contagious disease.

Dated this day of .

R.O.,
Surgeon of the gaol of ,
[*or E.F.*,
Visiting Surgeon for *Portsmouth*].

(R.)

Notice to Woman leaving Hospital.

The Contagious Diseases Acts, 1866 to 1869.

To *A.B.*

As you are now leaving this hospital, I hereby, in pursuance of the above-mentioned Acts, give you notice that you are still affected with a contagious disease.

Dated this day of .

(Signed) *G.H.*,
Chief medical officer.

Note.—The above-mentioned Acts provide as follows:—

If on any woman leaving a certified hospital a notice [*set out section of Act*].

(S.)

Certificate on last foregoing Notice or Copy.

In pursuance of the within-mentioned Acts, I hereby certify that the within-named woman is now free from a contagious disease.

Dated this day of .

(Signed) *E.F.*
Visiting Surgeon for [*Portsmouth*].

A.D. 1869.

(T.)

Application to be relieved from Examination.

To *L.M.*, Esq., and others, Her Majesty's justices of the peace for the [*county*] of [*or* to *N.O.*, Esq., Visiting Surgeon for *Portsmouth, or as the case may be*].

I *A.B.* of , being in pursuance of The Contagious Diseases Acts, 1866 to 1869, subject to a periodical medical examination on my own submission [*or* under the order of *L.M.*, Esq., *as the case may be*], dated the day of , do hereby apply to be relieved therefrom.

Dated this day of 18 .

(Signed) *A.B.*

Witness, *G.W.*

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 97.

An Act to amend in certain respects the Act for the better Government of India. [11th August 1869.] A.D. 1869.

WHEREAS it is expedient that the Act of the twenty-first and twenty-second years of Victoria, chapter one hundred and six, intituled "An Act for the better government of India," should be amended as regards the duration of service and the remuneration of members of the Council of India, and in certain other respects:

And whereas it is provided by the said recited Act that every member of the said Council elected or appointed under that Act shall hold his office during good behaviour:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Vacancies to be filled up by Secretary of State.

1. After the passing of this Act all vacancies that shall take place in the said Council shall be filled up by appointment by the Secretary of State.

Members of Council of India to be in future appointed for ten years.

2. Every member of the said Council who shall, after the passing of this Act, be so appointed, shall be appointed for a term of ten years, and, except as herein-after provided, shall not be re-eligible.

Re-appointment of member for farther period of five years.

3. It shall be lawful for the Secretary of State to re-appoint for a farther period of five years any person whose term of office as member of Council under this Act shall have expired, provided such re-appointment be made for special reasons of public advantage, which reasons shall be set forth in a minute signed by the said Secretary of State, and laid before both Houses of Parliament.

Former Acts to apply to future members.

4. Except as herein otherwise provided, all the provisions of the said recited Act, and of any other Act of Parliament relating to members of the Council of India, shall apply to members appointed under the provisions of this Act.

Sect. 14 of 21 & 22 Vict. c. 106. repealed.

5. Section fourteen of the said recited Act for the better government of India is hereby repealed.

As to retiring pensions of existing members of Council.

6. Any member of Council may, by writing under his hand, which shall be recorded in the minutes of the Council, resign his office; and it shall be lawful for Her Majesty by warrant under Her Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any member so resigning, out of the revenues of India, if he shall have been elected or appointed before the passing of this Act, and if he shall have held the said office for the period of ten years and upwards at the date of such resignation, a retiring pension during life of five hundred pounds.

Provision as to future changes in constitution of Council.

7. If at any time hereafter it should appear to Parliament expedient to reduce the number or otherwise to deal with the constitution of the said Council, no member of Council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office, or for any alteration in the terms and condition under which the same is held.

Appointment of ordinary members of the Governor General's Council and of the presidencies.

8. The appointments of the ordinary members of the Governor General's Council, and of the members of Council of the several presidencies, which, by section twenty-nine of the said recited Act, are to be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall, after the passing of this Act, be made by Her Majesty by warrant under Her Royal Sign Manual.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 98.

An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations for certain purposes. [11th August 1869.]

A.D. 1869.

WHEREAS doubts have arisen as to the extent of power of the Governor General of India in Council to make laws binding upon native Indian subjects beyond the Indian territories under the dominion of Her Majesty:

And whereas it is expedient that better provision should be made in other respects for the exercise of the power of the Governor General in Council:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to make laws for native Indian subjects beyond the Indian territories.

1. From and after the passing of this Act, the Governor General of India in council shall have power at meetings for the purpose of making laws and regulations to make laws and regulations for all persons being native Indian subjects of Her Majesty, Her heirs and successors, without and beyond as well as within the Indian territories under the dominion of Her Majesty.

Former laws to be valid.

2. No law heretofore passed by the Governor General of India, or by the Governors of Madras and Bombay, respectively in council, shall be deemed to be invalid solely by reason of its having reference to native subjects of Her Majesty not within the Indian territories under the dominion of Her Majesty.

Power to repeal or amend certain sections of 3 & 4 W. 4. c. 85.

3. Notwithstanding anything in the Indian Councils Act or in any other Act of Parliament contained, any law or regulation which shall hereafter be made by the Governor General in Council in manner in the said Indian Councils Act provided shall not be invalid by reason only that it may repeal or affect any of the pro-

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visions of the said Act of the third and fourth years of King William the Fourth, chapter eighty-five, contained in sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, and eighty-six of the said Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 99.

An Act for the more effectual Prevention of Crime. A.D. 1869.

[9th August 1869.]

WHEREAS it is expedient to make further provision for the suppression of crimes committed by convicts at large on licence or by other offenders:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Habitual Criminals Act, 1869."

Definition of terms.

2. In this Act the term "court" includes any justice or justices of the peace or other person or persons having jurisdiction in the matter to which the term refers. "Chief officer of police" shall mean within the district of the London metropolitan police force the commissioner of police, or an assistant commissioner, or a district superintendent; in the City of London the commissioner of police; within the police district of Dublin metropolis any one of the commissioners of police for the said district; and elsewhere shall include any of the following persons,—in England, any chief constable, head constable, or other chief officer of police or of a division of police, by whatever name such chief officer may be called; the expression "stipendiary magistrate" shall include a metropolitan police magistrate; and in Ireland, any inspector, sub-inspector, head or other constable of the Royal Irish Constabulary acting as chief officer of constabulary within any district or town. Where in any of the provisions of this Act the expression "stipendiary magistrate" is used, such provisions shall be interpreted in Scotland as if the expression "sheriff or sheriff substitute" had been used.

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Part I.

Convicts at large on Licence.

Power to apprehend holders of licence on suspicion.

3. Any constable or police officer may, if authorized so to do in writing by a chief officer of police, without warrant, take into custody any convict who is the holder of a licence granted under the Penal Servitude Acts, 1853, 1857, and 1864, or any of them, and whom he has reason to believe to be getting a livelihood by dishonest means, and may bring him before two or more justices of the peace or a stipendiary magistrate.

If it shall appear from the facts proved before such justices or magistrate that there are reasonable grounds for such belief, his licence shall be forfeited in the same manner as if he had been convicted of an indictable offence, and the justices or magistrate before whom he is brought shall commit him to any prison within their or his jurisdiction, there to remain until he can conveniently be removed to some prison in which convicts under sentence of penal servitude may lawfully be confined, in order that he may there undergo the term of penal servitude to which he is liable under the said Penal Servitude Acts or some of them.

Penalty for breach of conditions of licence.

4. Where in any licence granted under the said Penal Servitude Acts, or any of them, any conditions different from or in addition to those contained in Schedule A. of the Penal Servitude Act, 1864, are inserted, the holder of such licence shall, on a breach of such conditions, be deemed guilty of an offence, in the same manner as if such conditions were contained in the said Schedule A.

There shall be repealed so much of the fourth section of the Penal Servitude Act, 1864, as requires the holder of a licence to report himself personally once in each month.

A copy of any conditions annexed to any licence granted under the Penal Servitude Acts, other than the conditions contained in Schedule A. of "The Penal Servitude Act, 1864," shall be laid before Parliament within twenty-one days after the making thereof, if Parliament be then sitting, or if not, then within fourteen days after the commencement of the next session of Parliament.

Part II.

Registration of Criminals.

Register of criminals.

5. For the better supervision of criminals a register of all persons convicted of crime in England shall be kept in London, under the management of the Commissioner of Police for the Metropolis, or of such other person as one of Her Majesty's Principal Secretaries of State may appoint, and in Dublin a like register shall be kept, under the management of the Commissioners of Police for the police district of Dublin metropolis, or of such other person as the Lord Lieutenant or other Chief Governor or Governors of Ireland may appoint, in such form, with such evidences of identity, and containing such particulars, and subject to such regulations as may from time to time be prescribed by one of Her Majesty's Principal Secretaries of State in England, or in Ireland by the Lord Lieutenant. All expenses incurred with the sanction of the Commissioners of the Treasury in keeping such register shall be paid out of monies provided by Parliament.

Returns for purposes of register.

6. In order to make such register complete, and to make the supervision over criminals effectual, the gaolers or governors of county and borough prisons, and the chief officers of police in every county, borough, and other place in the United Kingdom which maintains a separate police, shall from time to time make returns, if such prison, county, borough, or other place be in Great Britain, to one of Her Majesty's Principal Secretaries of State, and if the same be situate in Ireland to the Lord Lieutenant or other Chief Governor or Governors of Ireland, or to such person as they may respectively appoint, in such manner, and at such time, and containing such evidences of identity and other information with respect to persons convicted of crime, as they may from time to time respectively direct.

All expenses incurred in any place in carrying this section into effect with the sanction of the authority authorized to allow charges on the funds for the maintenance of the police in that place shall be deemed to be part of the expenses of such police, and be defrayed accordingly.

Part of Act to be construed with Penal Servitude Acts.

7. The first two parts of this Act, so far as is consistent with the tenor thereof, shall be construed as one with the said Penal Servitude Acts. Crime, for the purposes of this Act, so far as relates to the registration of criminals, shall mean any felony or any offence not a felony specified in the first schedule hereto.

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Part III.

Habitual Criminals.

Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.

8. Where any person is convicted on indictment of any offence specified in the first schedule hereto in England or Ireland, and in the second schedule hereto in Scotland, and he be proved to have been previously convicted of any offence specified in the said schedule, either before or after the passing of this Act, then, in addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him, unless otherwise declared by the court, that he is to be subject to the supervision of the police as herein-after mentioned for a period of seven years, or such less period as the court shall direct, commencing from the time at which he is convicted, and exclusive of the time during which he is undergoing his punishment.

Where any person is subject, in pursuance of this Act, to the supervision of the police, he shall be guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances, or any of them:

First. If, on his being charged by a constable or police officer with getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means:

Secondly. If he is found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he was about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or was waiting for an opportunity to commit or aid in the commission of any such crime:

Thirdly. If he is found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises.

Any person charged with being guilty of any offence punishable on summary conviction under this section may be taken into custody by any constable or police officer without warrant, or may,

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if charged with being guilty of an offence committed under the circumstances thirdly herein-before mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate; provided that no person shall be so taken into custody on the ground that he is suspected of getting his livelihood by dishonest means except under a written authority from a chief officer of police.

When a person is convicted under this section of an offence which subjects him to the supervision of the police, the record of his conviction shall contain a statement to the effect that he is subject to the supervision of the police in pursuance of this Act for a period of seven years commencing from the date of his conviction, and exclusive of the time during which he is undergoing his punishment, or words to the like purport, but the omission of any such statement shall not exempt any person from the operation of this section.

A convict who has been sentenced to penal servitude shall not during the time when he is at large under a licence granted under the said Penal Servitude Acts, or any of them, be deemed for the purposes of this section to be undergoing his punishment.

Amendment of sect. 4 of the Vagrant Act, 5 G. 4. c. 83.

9. And whereas by the fourth section of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly "persons, and rogues and vagabonds, in that part of Great "Britain called England," it is, amongst other things, provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: And whereas doubts are entertained as to the nature of the evidence required to prove for the purposes of the said section the intent to commit a felony: Be it enacted, that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from

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the circumstances of the case, and from his known character as proved to the justices or magistrate, it appears to such justices or magistrate that his intent was to commit a felony.

Penalty for harbouring thieves, &c. 25 & 26 Vict. c. 101. s. 337.

10. Every person who occupies or keeps any lodging-house, beerhouse, public house, or other place where exciseable liquors are sold, or place of public entertainment or public resort, and knowingly lodges or harbours thieves or reputed thieves, or knowingly permits or suffers them to meet or assemble therein, or allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be liable, on summary conviction, to a penalty not exceeding ten pounds, and the justices or magistrate before whom he is brought may, if they or he think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

(1.) Provided that no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months:

(2.) The security required from a surety shall not exceed twenty pounds:

And any licence for the sale of any exciseable liquors or for keeping any place of public entertainment or public resort which has been granted to the occupier or keeper of any such house or place as aforesaid shall be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this section have taken place within a period of two years in respect of the same premises, whether the persons convicted were or were not the same, the justices or magistrate may, if they or he so think fit, direct that for a term not exceeding one year from the date of the last of such convictions no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section by the Excise or otherwise shall be void.

Part IV. A.D. 1869.

Receivers of stolen Goods.

Burden of proof in cases of receiving stolen goods.

11. Where any person who either before or after the passing of this Act has been previously convicted of any offence specified in the first schedule hereto, and involving fraud or dishonesty, is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods have been stolen; and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods; provided that not less than seven days notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary.

Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.

Any constable or police officer may, if authorized so to do in writing by a chief officer of police, enter any house, shop, warehouse, yard, or other premises in search of stolen goods, and make such search and seize and secure any property he may believe to have been stolen, in such manner as he would be authorized to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant: Provided that in every case in which any property is seized, the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned within three days before a justice of the peace or other competent magistrate to account for his possession of such property, and such justice or other magistrate shall make such order respecting the disposal of such property as the justice of the case may require; and it shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases:—

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First. When such premises are at, or have been within eighteen months of, the time of such search in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves:

Second. When such premises are at the time of such search in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment:

And it shall not be necessary for such chief officer of police in giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

Part V.

Assaults on Police.

Assaults on police.

12. Where any person is convicted of an assault and battery on any constable or police or peace officer when in the execution of his duty, such person shall on summary conviction before two or more justices, or one stipendiary magistrate, be liable either to pay a penalty not exceeding twenty pounds, and in default of payment to be imprisoned for a term not exceeding six months, or, in the discretion of the court, to be imprisoned for any term not exceeding six months, with or without hard labour.

Part VI.

General Provisions.

Power to remand.

13. Any person accused of an offence punishable on summary conviction under this Act may be remanded from time to time by the justices or magistrate before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause.

Forms in schedule.

14. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Constabulary station to include police stations in Dublin.

15. The term "constabulary station" in section four of "The Penal Servitude Act, 1864," shall include any police station within the police district of Dublin metropolis.

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Children of convicts.

16. The provisions of "The Industrial Schools Act, 1861," shall apply to all the children under the age of fourteen years of any woman who shall be convicted for the second time of any offence specified in the first schedule hereto, when such children shall at the time of the conviction be under her care and control, and have no visible means of subsistence.

Penalty on dealer in old metals.

17. Any dealer in old metals as defined in the Old Metal Dealers Act, 1861, who shall either personally or by any servant or agent purchase, receive, or bargain for lead, whether new or old, in any quantity at one time of less weight than one hundred and twelve pounds, or who shall personally or by any servant or agent purchase, receive, or bargain for copper, whether new or old, in any quantity at one time of less weight than fifty-six pounds, shall be liable to a penalty of five pounds, to be recovered in the same manner as penalties incurred under the said recited Act are therein directed to be recovered.

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FIRST SCHEDULE.

Any felony not punishable with death also, or the offence of uttering false or counterfeit coin or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or misdemeanor under the fifty-eighth section of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six.

SECOND SCHEDULE.

Robbery, theft, assault with intent to rob, stouthrief, falsehood, fraud, and wilful imposition, obtaining goods or money by false pretences, uttering false or counterfeit coin.

THIRD SCHEDULE.

To a constable of the said county of
To wit. and to the keeper of the prison
at in the said county, and to the governor
of the (*convict prison*).

Whereas *A.B.* was this day brought before me the undersigned, one of Her Majesty's justices of the peace in and for the said county of having been taken into custody by *C.D.*, a constable of the said county, under the provisions of "The Habitual Criminals Act, 1869," the said *A.B.* being the holder of a licence granted under the Penal Servitude Acts, 1853, 1857, and 1864, or some of them, and suspected of getting a livelihood by dishonest means, and the said *A.B.* the holder of the said licence having failed to make it appear to the satisfaction of me the said justice that he is not getting a livelihood by dishonest means, the said licence so held by the said *A.B.* is forfeited; I the said justice, in pursuance of the above first-recited Act, do commit the said *A.B.* to the prison, there to be detained until he can conveniently be removed to the (*convict prison*); and I the said justice do therefore require you the said constable to take the said *A.B.*, and him

safely to convey to the prison aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper to receive into your custody the said *A.B.* in the said prison, and there safely keep him until he can conveniently be removed as aforesaid; and I do hereby require the said governor of the said (*convict prison*) to receive the said *A.B.*, and to detain him until he has undergone the term of penal servitude to which he is liable under the Penal Servitude Acts, 1853, 1857, and 1864, or some of such Acts. A.D. 1869.

Given under my hand and seal at in the said county, this day of in the year of our Lord one thousand eight hundred and .

To a constable in the said county of
To wit. and to the keeper of the House of Correction
at in the said county.

Whereas *A.B.*, being a person subject by the provisions of "The Habitual Criminals Act, 1869," to the supervision of the police, has been taken into custody by *C.D.*, a constable, and brought this day before us the undersigned, two of Her Majesty's justices of the peace in and for the county of , and charged before us upon the oath of the said *C.D.*, taken before us in the presence and hearing of the said *A.B.* [with being suspected by the said *C.D.* of getting his livelihood by dishonest means] *or* [with being found by the said *C.D.* in , under such circumstances as to give rise to suspicion that the said *A.B.* was about to commit or aid in the commission of a crime punishable on summary conviction or indictment, (that is to say,) *or* waiting for an opportunity to commit or aid in the commission of a crime punishable on summary conviction or indictment, (that is to say,)] *or* [with being found by in or upon a dwelling house, *or* building, *or* yard, *or* premises, being parcel of *or* attached to a dwelling house, *or* in or upon a shop, warehouse, counting-house, or other place of business, *or* in any garden, orchard, pleasure ground, or nursery ground, the said *A.B.* not being able satisfactorily to account for his being found on the said].

We, the said justices, do in pursuance of the above-recited Act convict the said *A.B.* of the said offence, and adjudge that the said *A.B.* for the said offence shall be imprisoned in the house

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of correction at in the said county, and there kept to hard labour for the space of . These are therefore to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do hereby command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at in the said county this day of in the year of our Lord one thousand eight hundred and .

To a constable of the said county of
To wit. , and to the keeper of the House of Correction at , in the said county of .

Whereas *A.B.* has been this day brought before us, the undersigned, two of Her Majesty's justices of the peace in and for the county of , under the provisions of "The Habitual Criminals Act, 1869," and it has been duly proved upon oath before us that the said *A.B.* has been three times convicted of felony: And whereas he is charged before us upon the oath of *C.D.*, a constable, for that the said *A.B.* on the day of at the parish of in the said county of "was found by the said *C.D.* "in under such circumstances as to give "rise to suspicion that he was about to commit or to aid in "the commission of a crime punishable on summary conviction or "indictment, or was waiting for an opportunity to commit or aid "in the commission of a crime punishable on indictment or summary conviction;" *or*, ["was found by "in or upon any dwelling house, *or* any building, *or* yard, *or* "premises, being parcel of *or* attached to such dwelling house, *or* "in or upon any shop, warehouse, counting-house, or other place of "business, *or* in any garden, orchard, pleasure ground, or nursery "ground, without being able satisfactorily to account for his being "found on such premises,"] contrary to the statute: Now we the said justices do, in pursuance of the above-recited Act, convict the said *A.B.* of the said offence, and adjudge that the said *A.B.*

for the said offence shall be imprisoned in the house of correction at in the said county, and there kept to hard labour for the space of . A.D. 1869.

These are therefore to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at this day of in the year of our Lord one thousand eight hundred and .

To a constable of the said county of
To wit. , and to the keeper of the House of Correction at in the said county of .

Whereas *A.B.* was on this day duly convicted before me the undersigned, one of Her Majesty's justices of the peace in and for the county of , having been brought before me by *C.D.*, a constable, under the provisions of "The Habitual Criminals Act, 1869," and charged upon the oath of the said *C.D.*, taken before me in the presence and hearing of the said *A.B.*, of being a rogue and vagabond within the intent and meaning of the statutes made in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the punishment of idle and dis- "orderly persons and rogues and vagabonds in that part of Great "Britain called England," and "The Habitual Criminals Act, 1869," before mentioned, (that is to say,) for that the said *A.B.* on the day of in the year of our Lord one thousand eight hundred and , in the parish of , in the said county of , [*here set out the circumstances under which the justice was of opinion that the said* A.B. *might reasonably be suspected to have intended to commit a felony*], contrary to the said statutes. And it was thereby adjudged that the said *A.B.* for the said offence should be imprisoned at the house of correction at in the said county, and there kept to hard labour for the space of .

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These are therefore to command you the said constable to take the said *A.B.*, and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of . . .

Given under my hand and seal at this day of in the year of our Lord one thousand eight hundred and .

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 100.

An Act to facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes. A.D. 1869.

[11th August 1869.]

WHEREAS by the Sanitary Act, 1866, the Sewage Utilization Act, 1867, and the Sanitary Act, 1868, one of Her Majesty's Principal Secretaries of State is empowered, in case of any sewer authority, local board, or nuisance authority making default in performing their duty in relation to the sanitary matters therein mentioned, to appoint a person to perform the same, and it is by the said Acts provided that the person so appointed should be invested in the performance of his duties with all the powers of the authority in default, and that the expenses of the performance of such duties shall be a debt due from the authority in default and repayable out of any local rate leviable by them:

And whereas it is expedient to give further facilities to the said Secretary of State in carrying into effect the provisions of the said Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Sanitary Loans Act, 1869."

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

Definition of "local authority."

3. "Sewer authority," "local board," and "nuisance authority" shall have the same meaning as they respectively have in the Sanitary Act, 1868, and "local authority" shall include all the said authorities.

"Local rate" shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868.

A.D. 1869.

Certificate of Secretary of State as to expenses and loans.

4. One of Her Majesty's Principal Secretaries of State may, from time to time, certify under his hand the amount of expense that has been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Secretary of State for the purpose of performing the duty of a defaulting local authority; he may also, from time to time, certify under his hand the amount of any loan required to be raised for the purpose of defraying any expense that may have been so incurred, or is estimated as about to be incurred; and the certificate of the said Secretary of State shall be conclusive as to the matters to which it refers.

Power of Secretary of State to borrow money for sanitary purposes.

5. Whenever the said Secretary of State certifies any loan to be required for the purpose of defraying any expenses incurred or to be incurred in the performance of the duty of a defaulting local authority, the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, may, in manner and subject to the provisions of the said Act, and the other enactments relating to the said Commissioners and applicable to the case, advance to the said Secretary of State, or to any person appointed by him as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security, and the said Secretary of State, or the person so appointed as aforesaid, may, by any instrument under his hand, charge the local rate with the repayment of the principal and interest due in respect of such loan, and any such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same upon the local rate; and the certificate of the Secretary of State certifying any loan to be required or appointing a person to perform the duty of a defaulting local authority shall be taken as conclusive evidence that all the requirements of the forty-ninth section of the Sanitary Act, 1866, and of any other enactment relating thereto, have been duly complied with, and that the person appointed to perform the duty of the defaulting local authority has been duly appointed.

Remedy for principal and interest.

6. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be enforced in the manner in which a debt due from a defaulting authority may be enforced in pursuance of the said eighth section of the Sanitary Act, 1868.

Application of surplus of loan.

7. If the amount of any loan raised for defraying the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority is not wholly expended in defraying such expenses, the overplus (if any), the amount to be ascertained by a certificate of the Secretary of State, shall be paid to or to the order of the defaulting authority.

Secretary of State may change person performing duties of local authority.

8. The said Secretary of State may from time to time, by order under his hand, change the person appointed by him to perform the duty of a defaulting local authority.

Power of Secretary to order payments.

9. The Secretary of State may make order for the payment of the costs of all inquiries or proceedings directed by him in pursuance of the Local Government Act, 1858, the Sanitary Acts, 1866, 1868, the Sewage Utilization Acts, 1865, 1867, or any of such Acts, and as to the parties by whom or the rates out of which such costs shall be borne; and such orders may be enforced in the same way as orders for costs of appeals under the eighty-first section of the Local Government Act, 1858.

Definition of expenses.

10. "Expenses" for the purposes of this Act shall include all sums payable by or by the order of the Secretary of State, or the person appointed by him, on the occasion of a default being made by any local authority in the performance of its duties in relation to sanitary matters.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 101.

An Act for authorizing a guarantee of a loan to be raised by Canada for a payment in respect of the transfer of Rupert's Land. [11th August 1869.]

A.D. 1869.

WHEREAS by the Rupert's Land Act, 1868, power was given for the Governor and Company of Adventurers of England trading into Hudson's Bay (in this Act referred to as the Hudson's Bay Company) to surrender, and for Her Majesty to accept a surrender of Rupert's Land (as therein defined) for the purpose of admitting the same into the dominion of Canada: 31 & 32 Vict. c. 105.

And whereas an arrangement has been made for the surrender by the Hudson's Bay Company of Rupert's Land and for the admission thereof into the dominion of Canada:

And whereas part of the terms of the said arrangement were the payment of three hundred thousand pounds to the Hudson's Bay Company by the Government of Canada:

And whereas the Government of Canada propose to raise the said sum of three hundred thousand pounds by way of loan, and it is expedient to authorize the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, to guarantee the interest of such loan:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Canada (Rupert's Land) Loan "Act, 1869." Short title.

2. The Treasury may guarantee, in such manner and form as they think fit, the payment of the interest, at a rate not exceeding four per cent., on any principal money not exceeding the sum of three hundred thousand pounds sterling to be raised by way of loan by the Government of Canada for the purpose of the said payment to the Hudson's Bay Company. Power to Treasury to guarantee loan.

A.D. 1869.

Conditions of guarantee.

3. The Treasury shall not give any guarantee under this Act unless and until provision is made by an Act of the Parliament of Canada or otherwise to the satisfaction of the Treasury—

(1.) For raising and appropriating the said loan:

(2.) For charging the consolidated revenue fund of Canada with the payment of the principal and interest of the said loan immediately after the charge of the loan for fortifications created by an Act of the Parliament of Canada of the year one thousand eight hundred and sixty-eight, chapter forty-one, or to be created by any subsequent Act in respect of sums paid out of the Consolidated Fund of the United Kingdom on account of such last-mentioned loan:

(3.) For payment by the Government of Canada of a sinking fund at the rate of one per centum per annum on the entire amount of the said loan, and for charging the consolidated revenue fund of Canada with the payment of such sinking fund immediately after the principal and interest of the said loan:

(4.) For charging the consolidated revenue fund of Canada with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five per centum per annum, immediately after the sinking fund of the said loan:

(5.) For payment of the money raised by the said loan to four trustees, nominated from time to time, two by the Treasury and two by the Government of Canada, and for the application of such money under the direction of those trustees:

(6.) For remitting to the Treasury the annual sums for the sinking fund by equal half-yearly payments, in such manner as they from time to time direct, and for the investment and accumulation thereof under their direction in the names of four trustees nominated from time to time, two by the Treasury and two by the Government of Canada.

Application of sinking fund.

4. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall be applied from time to time, under the direction of the Treasury, in discharging the principal of the said loan and the interest arising from such securities, and the resulting income thereof shall be invested and applied as part of such sinking fund.

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Alteration of Act relating to guaranteed loan.

5. Every Act passed by the Parliament of Canada which in any way impairs the priority of the charge upon the consolidated revenue fund of Canada created by that Parliament of the said loan and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act has been reserved for the signification of Her Majesty's pleasure.

Issue out of Consolidated Fund.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act.

Certificate of amount paid out of Consolidated Fund.

7. The Treasury may, from time to time, certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of Canada, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

Accounts to be laid before Parliament.

8. The Treasury shall cause to be prepared and laid before both Houses of Parliament a statement of any guarantee given under this Act, and an account of all sums issued out of the Consolidated Fund of the United Kingdom for the purposes of this Act, within one month after the same are so given or issued, if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

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CHAP. 102.

An Act for making further provision respecting the borrowing of money by the Metropolitan Board of Works. [9th August 1869.]

other purposes connected therewith.

WHEREAS under the Acts mentioned in the first schedule to this Act the Metropolitan Board of Works have power to borrow on the credit of the consolidated rate and on the credit of the several funds and rates mentioned in the said Acts amounting in the whole to nearly eight million pounds:

And whereas it is expedient that the said Board should have power to borrow further sums for the purposes of the said Acts, together with the sum of ten million pounds sterling, and it is expedient to authorize the borrowing of ten million pounds by loans in manner hereinafter provided, without limit as to the amount to be borrowed in any one year:

And whereas it is expedient that the said Board should have power to borrow for that purpose to create consolidated stock or annuities charged indifferently on all the securities mentioned in the said Acts, and to establish one fund out of moneys arising from those securities, for the payment of dividends on such stock and redemption of such stock and annuities:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Fire Brigade Act, 1865, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Thames Conservancy Act, 1857, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Thames Embankment Act, 1862, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Metropolis Management Amendment Act, 1862, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Metropolis Management Act, 1855, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Metropolis Local Management Act, 1867, and to charge the expenses thereof on the consolidated rate:

And whereas it is expedient that the said Board should have power to borrow for the purposes of the Metropolitan Board of Works Loans Act, 1869

CHAP. 102.

An Act for making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith. [9th August 1869.] A.D. 1869.

WHEREAS under the Acts mentioned in the first schedule to this Act the Metropolitan Board of Works has incurred debts now amounting in the whole to nearly eight million pounds:

And whereas it is necessary for the board to borrow such further sums for the purposes of the said Acts as, together with the sum already borrowed, will not exceed in the whole the amount of ten million pounds sterling, and it is expedient to authorize the board to raise the whole or any part of the said sum of ten million pounds by loans in manner herein-after provided, without the guarantee of the Commissioners of Her Majesty's Treasury, and for that purpose to create consolidated stock or annuities charged indifferently on all the securities mentioned in the said Acts, and to establish one fund out of moneys arising from those securities, for the purpose of paying the dividends on and redeeming such stock and annuities:

And whereas it is expedient otherwise to amend the Acts relating to the Metropolitan Board of Works:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1869. Short title.

2. In this Act,— Definition of terms.

The term "board" means the Metropolitan Board of Works:

The term "Treasury" means the Commissioners of Her Majesty's Treasury:

The term "improvement fund" means the Thames embankment and metropolis improvement fund constituted under the

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London Coal and Wine Duties Continuance Act, 1861, and the Acts amending and continuing the same.

Each of the several series of Acts specified in the different parts of the first schedule to this Act is in this Act referred to by the collective name given to such series in such separate part.

Exercise by board of borrowing powers.

3. After the passing of this Act the board shall not (except for such temporary period not exceeding six months as the Treasury may from time to time sanction) raise, otherwise than in conformity with this Act and with the sanction of the Treasury, any money under any powers of borrowing, whether conferred by the Acts mentioned in the first schedule to this Act, or otherwise howsoever.

Creation by board of consolidated stock.

4. The board, for the purpose of raising such portion of the loans authorized by the Acts mentioned in the first schedule to this Act for the purposes of those Acts as the Treasury may from time to time sanction, may create capital stock, to be called the metropolitan consolidated stock, in this Act referred to as consolidated stock, and to be issued in such amounts and manner, at such price and times, on such terms, subject to such conditions, with such dividends, and redeemable (at the option of the board) at par at such times and on such conditions as the Treasury, before the creation thereof, may from time to time approve.

Security for stock.

5. No holder of any portion of consolidated stock shall have any priority or preference by reason of the prior creation of such stock or otherwise, and all consolidated stock created for the purposes of the Acts mentioned in the first schedule to this Act, or of any Act hereafter to be passed, and the dividends thereon, and the sums required for the redemption thereof, shall be charged indifferently on the whole of the lands, rents, and property belonging to the board, under the Acts mentioned in the first schedule to this Act, and on all moneys which can be raised by the board by rates under this Act, and on the improvement fund, subject to all charges existing at the passing of this Act on such lands, rents, property, moneys, and fund respectively, and shall be a first charge thereon after those charges; and all moneys required for payment of the dividends on such stock, and the sums required to be raised for the redemption of such stock as mentioned in this Act, shall be raised out of the improvement fund and metropolitan consolidated rate as in this Act mentioned.

Application of money raised.

6. Where any stock has been created under this Act in order to raise any portion of a loan authorized by any of the Acts mentioned

in the first schedule to this Act for the purposes of any of those Acts, such stock is referred to in this Act as created for the purposes of such Act, and the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall (subject to the provisions of this Act) be applied accordingly.

Stock, &c. to be personal estate.

7. All consolidated stock shall be personal estate, and shall not descend to the heir or be liable to any foreign attachment by the custom of London or otherwise.

Advance of money by Public Works Loan Commissioners.

8. The Public Works Loan Commissioners may advance money to the board on the security of consolidated stock, and without requiring any further or other security, the said advances to be repaid by such instalments and within such period as may in each case be agreed upon with the approval of the Treasury.

Investment and advance by Commissioners for the Reduction of the National Debt.

9. The Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Treasury, may from time to time, out of any moneys coming into their hands under any Act relating to savings banks or to post office savings banks, make advances to the board on the security of consolidated stock without any further or other security, and may invest the said moneys in such stock.

Books to be kept for consolidated stock.

10. The board shall cause to be kept at their office, or at some bank to be approved by the Treasury, books in which the names and addresses of the several persons and bodies corporate from time to time entitled to consolidated stock, and the amounts to which they are respectively entitled, and all transfers thereof, shall be duly entered.

Transfer of stock.

11. Consolidated stock shall be transferred only as follows:—

(1.) The transfer shall be made in the said books, and shall be signed in such books by the transferee or by his attorney duly authorized in that behalf, which authority shall be given by writing under his hand and seal attested by two or more witnesses:

(2.) The transfer may be in the form contained in the second schedule to this Act, which shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred and the dividends thereon:

(3.) The acceptance of the transfer may be signified by the transferee or his attorney authorized in manner aforesaid in that behalf, subscribing such acceptance in the said books:

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(4.) A person becoming entitled to any stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by transfer under this Act, shall produce such evidence of his title as may be reasonably required by the board, or by the persons or body corporate who keep the said books.

No notice of any trust, express, implied, or constructive, shall be entered in the said books or receivable by the board, or by any persons or body corporate who keep such books.

Closing of transfer books.

12. The board, persons, or body corporate who keep the said books for transfers may, for such period not exceeding fourteen days as they may from time to time fix previous to each payment of dividend, close the books, and shall give seven days notice of the day on which such books will be closed by advertisement in some daily morning newspaper circulating generally in the metropolis.

Books to be evidence.

13. The books so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any consolidated stock who are mentioned therein as such owners.

Certificates of stock.

14. The board, persons, or body corporate who keep the said books, may, if the board think fit, issue to the holder of any consolidated stock a certificate under the hand of some officer of the board or body corporate or of such persons, which certificate shall specify the amount of stock to which such holder is entitled, and such certificate shall be evidence of the title of the holder at the date of the certificate to the amount of stock stated therein, but the want of such certificate shall not prevent the owner of any consolidated stock from transferring the same.

Certificate to be renewed when destroyed.

15. If any such certificate be worn out or damaged, then the same may, upon the production thereof, be cancelled, and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the board, persons, or body corporate who keep the said books, a similar certificate shall be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said books, and for every such certificate given in pursuance of this section a fee not exceeding two shillings, to be carried to the account of the board, may be demanded.

Provisions of 26 & 27 Vict. c. 28. as to

16. The Stock Certificate Act, 1863, (which relates to the issue to holders of stock in the public funds of certificates to bearer trans-

ferable by delivery,) shall extend to consolidated stock in the same manner as if such Act were herein enacted, with the following modifications; namely,

Certificates to bearer, to extend to this Act.

(1.) The term "the bank" shall be construed to mean the board, persons, or body corporate who keep the books for the transfer of consolidated stock:

(2.) The terms "public stocks" and "stock" shall be construed to mean consolidated stock:

(3.) The term "the books of the bank" shall be construed to mean the books kept for the transfer of consolidated stock in pursuance of this Act:

(4.) All fees shall be paid to the account of the board:

(5.) There shall be charged on every stock certificate a stamp duty of an amount equal to three times the amount of the stamp duty which would be chargeable on a transfer of the stock specified in the certificate:

(6.) The provision respecting a stock certificate, in respect of which no coupons have been presented for payment for a period of ten years, shall not extend to consolidated stock.

Arrangement with bank.

17. The board may enter into such arrangement with any bank for carrying into effect the provisions of this Act with reference to the creation and transfer of consolidated stock, and the management thereof, and the keeping of the said books, and for the proper remuneration of the bank with reference thereto, as may be approved by the Treasury.

Stamp duty on transfers.

18. There shall be paid in respect of every transfer of consolidated stock under this Act a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds, of the nominal amount of the stock transferred.

Forgery, &c. of transfers of stock, &c.

19. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-eight, "to consolidate and amend the Statute Law of England and "Ireland relating to indictable offences by forgery," all consolidated stock shall be deemed to be capital stock of a body corporate within the meaning of that Act.

Making false entries in books.

20. Any person who with intent to defraud makes any false entry in or alters any word or figure in any of the said books for transfers, or in any manner falsifies any of the said books, or makes any transfer of any consolidated stock, in the name of any person who is not the true owner thereof, shall be guilty of

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felony, and on conviction shall be liable to penal servitude for any term not exceeding fourteen years, or be imprisoned for any term not exceeding two years, with or without hard labour.

Making out false dividend warrants.

21. Any person who, being a clerk, officer, or servant of or employed by the board, or the persons or body corporate who keep the books for transfer of consolidated stock, does with intent to defraud make out or deliver any stock certificate, dividend warrant, or document for the payment of money in relation to any consolidated stock for a greater or less amount than the person on whose behalf such certificate, warrant, or document is made out is entitled to, shall be guilty of felony and shall be liable on conviction to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Power to levy consolidated rate.

22. The board, for the purpose of paying the dividends on and redeeming the consolidated stock, and also of defraying the expenses authorized to be incurred and incurred by them in the obtaining or the execution of the Acts mentioned in the first schedule to this Act or any of them, and of defraying the sums required for the payment of the principal and interest of and the sinking funds for any securities granted by the board for the purposes of those Acts or any of them, before the passing of this Act, shall (in lieu of all rates or assessments authorized at the passing of this Act to be assessed by them generally over the metropolis) from time to time assess and raise a rate to be called the Metropolitan Consolidated Rate, in this Act referred to as the Consolidated Rate.

Such rate shall be assessed and raised in manner provided by the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the sums required for defraying the expenses of the board in the execution of that Act, and to sums assessed for the purposes of the Main Drainage Acts, and may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of a former rate; and all the provisions of the Metropolis Management Act, 1855, and the Acts amending the same concerning the estimate on which assessments by the board are to be made, and for and in relation to the assessing, raising, and enforcing payment of the sums assessed by the board, shall, subject to the provisions of this Act, extend and apply to and in the case of the consolidated rate in the same manner as if that rate were therein mentioned instead of the sums required for defraying the expenses of the board incurred in the execution of the Metropolis Management Act, 1855, and for the Main Drainage Rate respectively.

Every precept issued by the board for the purposes of the metropolitan consolidated rate shall specify, first the proportion of the amount named in the precept which is required for the purpose of paying the principal and interest of and sinking fund for securities granted by them before the passing of this Act, and the dividends on and the sums required for the redemption of consolidated stock under this Act, and secondly the proportion of such amount which is required for all other purposes of the board.

In making an estimate for the first-mentioned portion of the consolidated rate the board shall compute the part required in respect of securities granted or stock issued for the purposes of the Main Drainage Acts and the Fire Brigade Act respectively.

In making an estimate for the last-mentioned portion of the consolidated rate the board shall not estimate the sum required for the purposes of the Fire Brigade Act as larger than a sum which would be produced by a rate of one halfpenny in the pound on the gross value of the property assessed to the metropolitan consolidated rate, and shall compute the part of the said portion of the consolidated rate required for those purposes.

The board shall state in every precept and shall keep a record of all computations required to be made by this section, which record shall be open to inspection by any person on payment of a fee not exceeding one shilling, and shall be conclusive for all purposes whatsoever.

Nothing in this section shall delay or accelerate, or authorize the board to delay or accelerate, the repayment of any principal or interest of, or the providing of a sinking fund for any securities granted by the board before the passing of this Act for the purposes of the Main Drainage Acts without the consent of the holders thereof; and while such securities remain undischarged the board shall from time to time ascertain the amount which would have been raised by the levying of the main drainage rate, and the amount which would have been so raised shall be charged on the consolidated rate, and be deemed to be from time to time payable thereout before any portion of that rate is applied to any other purpose.

Nothing in this section shall extend to any sum levied under section one hundred and eighty-one of the Metropolis Management Act, 1855.

Saving of rights.

23. Where any portion of the consolidated rate represents any rate which for the purposes of any contract or otherwise is deemed to be a landlord's or tenant's rate, such portion shall for those purposes be deemed to be such landlord's or tenant's rate as the case may be, and all rights at the passing of this Act existing as between

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landlord and tenant, or enjoyed by any person under statute, contract, or otherwise in relation to the sums or rates assessed by the board shall continue to exist and be enjoyed in relation to the consolidated rate as between and by the same persons and in the same manner as in relation to such sums or rates.

Orders of vestry and district board for raising money required for consolidated rate.

24. Where a vestry or district board make an order requiring the overseers (including in the term any body of persons performing the duties of overseers) of any parish in their district to levy and pay over the sum which such vestry or district board require to raise for the purpose of satisfying or of replacing any sum expended in satisfying any precept of the board for the purposes of the consolidated rate, such vestry and district board shall distinguish in their order the sum to be levied in such parish for that purpose, and the sum (if any) required for other purposes of such vestry and district board; and the overseers or collectors shall, in the demand notes or receipts to be given by them for the sums levied or collected in pursuance of such order, distinguish the rate in the pound required to meet the sum specified in the order to be required for the purpose of satisfying such precept, and the rate in the pound specified to be required for other purposes.

Every such order, demand note, and receipt shall also specify the whole sum paid by such vestry or district board for satisfying such precept, and the proportions specified in the precept as required for the purposes of securities and consolidated stock, and for other purposes of the board respectively, and for the purposes of the Main Drainage Acts and the Fire Brigade Act respectively.

Exempted places.

25. The places mentioned in schedule C. to the Metropolis Management Act, 1855, and every liberty, precinct, and place in the metropolis shall be liable to the metropolitan consolidated rate, except so far as they may be entitled under the General Improvement Acts to any exemption from any rate or assessment or part of a rate; and for this purpose they shall be deemed to be respectively benefited by all works executed (before or after the passing of this Act) by the board under the Main Drainage Acts, and those works shall be deemed works for carrying into effect a plan for preventing the sewage of the metropolis from flowing into the River Thames in or near the metropolis.

Consolidated loans fund.

26. For the purpose of paying the dividends on and redeeming consolidated stock created under this Act there shall be established a fund to be called the consolidated loans fund of the metropolis, in this Act referred to as the consolidated loan fund, and, subject to the provisions of this Act, the board shall keep a separate account of such fund.

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Moneys applicable to consolidated loans fund.

27. The board shall carry to the consolidated loans fund the moneys following (after providing for all charges on such moneys existing at the passing of this Act and to which the same shall for the time being be applicable); that is to say,—

(1.) All moneys whether in the nature of capital or otherwise arising from the sale, lease, or other disposition of lands, rents, and property belonging to the board:

(2.) The residue of the improvement fund which may come into their hands in the manner mentioned in this Act:

(3.) Such an annual sum in every year out of the consolidated rate, and out of the contributions paid to the board in pursuance of the Fire Brigade Act or out of one of such sources as may be equal to two per cent. on the total nominal amount of consolidated stock, whether it has been cancelled or not; or

(4.) Such greater or less annual sum as the Treasury may from time to time approve as being in their opinion necessary in order to pay the dividends on and to redeem all the consolidated stock in sixty years from the date of the creation thereof.

Application of consolidated loans fund.

28. The board shall from time to time apply the consolidated loans fund according to such regulations as may be approved by the Treasury, first in the payment of the dividends on consolidated stock, and then in one or more of the following modes, namely, in purchasing metropolitan consolidated stock, and in redeeming metropolitan consolidated stock, and in payment of the principal of the securities granted before the passing of this Act.

The board may in the meantime invest such fund (subject to the said regulations) in Government securities, the interest of which, and the resulting income thereof, shall form part of the consolidated loans fund and shall be applied and may be invested in the same manner.

All consolidated stock purchased and redeemed, and all securities paid in pursuance of this section, shall be cancelled, and thereupon all dividends and interest in respect thereof shall be extinguished.

Application of Thames embankment fund.

29. After the passing of this Act, the Treasury shall, in every half year or other period fixed by them, apply all moneys from time to time becoming part of the improvement fund in such half year or other period until the fifth of July one thousand eight hundred and eighty-eight, as follows:—

(1.) In applying in each year, in continuation of the like payments directed by the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, the sum of one

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hundred and eighty-five thousand pounds for payment of interest from time to time due, and repayment of the principal moneys advanced on the securities issued before the passing of the last-mentioned Act, with the guarantee of the Treasury, under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, or such other yearly sum as the board and the respective holders of such securities from time to time mutually agree upon, so that such principal moneys, and all interest thereon, may, unless otherwise agreed between such holders and the board, be paid off and discharged on or before the fifth day of July one thousand eight hundred and eighty-two.

(2.) Then in paying the interest for the time being due on securities granted, after the passing of the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, and before the passing of this Act, under or for the purposes of the Embankment Acts, and in repaying the principal moneys advanced on such securities.

(3.) Then in paying the residue to the board to be carried by them to the consolidated loans fund.

Transfer of improvement fund to board.

30. When all securities granted before the passing of this Act with the guarantee of the Treasury, under the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and the Thames Embankment and Metropolis Improvement (Loans) Act, 1868, or either of those Acts, have either been paid or converted under this Act, the Treasury may declare that all their liability under such guarantee has ceased, and that after the date in that behalf mentioned this section shall take effect.

Such declaration shall be published in the London Gazette, and thereupon after the date in that behalf mentioned in such declaration this section shall take effect, and the Improvement Fund account shall be transferred from the Treasury into the name of the board, and the duties payable to that account under the London Coal and Wine Duties Continuance Act, 1861, and the Acts continuing the same shall continue to be paid to such account, and the improvement fund shall be applied by the board in the manner in which it is directed by this Act to be applied by the Treasury, and the accounts thereof shall, for the purpose of audit and all purposes whatever, be deemed to be accounts of the board, but shall, subject to the provisions of this Act, be kept as separate accounts.

24 & 25 Vict. c. 42.

Separate accounts of amount

31. The board shall cause to be kept proper accounts showing the appropriation of the moneys raised by the stock created under

this Act for the purposes of the different series of Acts, namely, the General Improvement Acts, the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively. A.D. 1869. raised for different Acts.

All or any of the accounts of the board may be from time to time consolidated in such manner and on such conditions as the Treasury approve, and the accounts so kept shall be deemed sufficient for the purposes of any Act and all other purposes.

Conversion of existing securities into consolidated stock.

32. Where the board before the passing of this Act have granted any security for the purposes of any of the Acts mentioned in the first schedule to this Act, they may enter into an arrangement with the holder of such security for the conversion thereof into such amount of consolidated stock as may be arranged between them. Such arrangement shall be made according to such regulations and on such terms as may be approved by the Treasury.

Consent of trustees, incapacitated persons, &c. to conversion.

33. Any person who holds any security granted by the board before the passing of this Act for the purposes of any of the Acts mentioned in the first schedule to this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, to sell land under that Act, may consent to any arrangement approved by the Treasury under this Act, for the conversion of such security into consolidated stock, and to the payment of such security before the time limited for the payment thereof, and accept money for such consent in the same manner as if such person was the absolute owner in his own right of such security, and such person is hereby indemnified for so doing.

Creation of stock for paying off money borrowed, &c.

34. For the purpose of raising money, or to pay off any security granted before the passing of this Act by the board for the purposes of any of the Acts mentioned in the first schedule to this Act, and for the purpose of the conversion of any such security, the board may create consolidated stock under the provisions of this Act in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the said Acts, and the money raised by such stock shall be applied in such payment, and all stock created under the provisions of this section shall be deemed to be created and the money raised thereby to have been borrowed for the purposes of the Acts for the purpose of which the original security was granted.

Sinking fund of existing securities.

35. Where any security granted before the passing of this Act is paid off out of the Consolidated Loans Fund, or by means of money raised by the creation of stock under this Act, or is converted into stock, and there is any sinking fund which has been formed for the payment of such security, either alone or jointly with other securities,

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the board shall carry to the Consolidated Loans Fund such sinking fund, or such proportion thereof as may be the proportion which such security bears to the total of the securities for which such fund is the sinking fund.

Additional borrowing powers of board.

36. The board may create consolidated stock for the purpose of raising, in addition to the loans authorized by the Acts mentioned in the first schedule to this Act, such further sums as the Treasury may sanction for the following purposes; namely,

(1.) For the purpose of completing the works authorized by the Main Drainage Acts, and for covering in and otherwise completing and making efficient the main sewers transferred to and vested in the board by the Metropolis Management Act, 1855:

(2.) For the purpose of completing the works authorized by the Embankment Acts:

(3.) For the purpose of providing station houses, fire engines, fire escapes, and permanent plant for the purpose of the Fire Brigade Act:

and all the provisions of this Act shall apply in like manner as if such sums were loans authorized by the Main Drainage Acts, the Embankment Acts, and the Fire Brigade Act respectively, and all the provisions of those Acts relating to the execution of works respectively authorized by them shall continue in force and extend to the works executed by means of the money raised in pursuance of this section, and all stock created under this section shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

Loans by board to managers of Metropolitan Asylum District.

37. Where the managers of the Metropolitan Asylum District require to borrow money under "The Metropolitan Poor Act, 1867," and the Acts amending the same, such managers may borrow and the board may lend on the security authorized by those Acts such sums as the managers may have been authorized by the Poor Law Board, in pursuance of those Acts, to borrow, not exceeding in the whole five hundred thousand pounds.

For the purpose of raising the money so lent to the managers, the board may create consolidated stock under the provisions of this Act, in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the Acts mentioned in the first schedule to this Act, and all the provisions of this Act shall apply as if such money were raised and stock were created for the purposes of the last-mentioned Acts, with this exception, that the money required in pursuance of this section may

be borrowed by the board in addition to the sum limited by this Act. A.D. 1869.

All sums received by the board from the said managers in respect of interest on or the principal of such loan shall be carried to the Metropolitan Consolidated Loans Fund.

Notwithstanding anything in the Metropolitan Poor Act, 1867, and the Acts amending the same, the amount so lent by the board shall be repaid to them by the said managers, with interest, within such period not exceeding sixty years as may be agreed upon between the board and the said managers, subject to the approval of the Treasury.

The board may lend and the managers may borrow money in pursuance of this section for the purpose of repaying any loan due at the passing of this Act from the said managers.

The board and the said managers may execute all such deeds and documents and do all such acts as may be necessary or expedient for carrying this section into effect.

Limit of borrowing powers.

38. The board shall not after the passing of this Act borrow exclusively of any amount borrowed for the purposes of a loan to the managers of the Metropolitan Asylum District an amount which, together with the amount actually owing by them at the passing of this Act, after deducting the market value at the date of the passing of this Act of all sinking funds created in pursuance of any of the Acts mentioned in the first schedule to this Act, and remaining at that date in the hands of the board, exceeds in the whole ten million pounds sterling actually received by them; provided that this shall not prevent the board from raising any money under the provisions of this Act for the purpose of paying off securities granted before the passing of this Act, and all moneys so raised shall be duly applied by the board accordingly.

Payment of dividends.

39. The dividends on all consolidated stock shall be paid on such days as may be from time to time fixed by the board with the approval of the Treasury.

Appointment of a receiver in certain cases.

40. Any person or body corporate entitled to any consolidated stock or to any security granted by the board may, if default be made for a period of not less than two months after demand in writing in the payment of dividend on such stock or of interest on any such security, apply to the Court of Chancery in a summary way for the appointment of a receiver, and the Court of Chancery may, if the court think fit, on such application appoint a receiver on such terms and conditions, and with such powers, as the court think fit. Such person shall have the same power of collecting and re-

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ceiving and applying all moneys liable to be carried under this Act to the consolidated loans fund, and of assessing and raising the metropolitan consolidated rate for the purpose of obtaining such moneys as the board or any officer thereof may have, and shall apply all such moneys, after payment of expenses and costs, under the direction of the court, for the purposes of and in conformity with this Act. The court may at any time discharge such receiver, and shall have full jurisdiction over such receiver, and the applicant and all persons and bodies interested in the acts of the receiver, in the same manner and to the same extent as if a suit had been duly instituted for the administration of the affairs of the board and a receiver had been appointed in such suit.

The Lord Chancellor of Great Britain, with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or any two of those judges, may from time to time make general orders for the regulation of the practice of the Court of Chancery under this section.

Moneys received by the board to be paid into Bank to their account.

41. All sums of money, bills, and drafts which are received by the board under the provisions of this Act shall from time to time, within two days after the same have been received, or within two days after any bill has been accepted, completed, and perfected, if the same is not accepted, completed, and perfected at the time it is received, be paid by the board into the hands of some bank to be appointed by the board with the approval of the Treasury, for which the receipt of one of the cashiers or other officers of such bank shall be a sufficient discharge; and all such moneys, bills, and drafts so to be paid as aforesaid shall from time to time be placed to the account of the board with such bank, and shall be applied and disposed of by the board for and towards the several purposes to which the same are by law applicable.

Exemption of purchasers of stock from inquiries into application of money, regularity of proceedings, &c.

42. A person or body corporate purchasing any consolidated stock, or advancing money to the board on the security of such stock, shall not be bound to see or inquire whether such stock is created or such advances are required for the purposes of the Acts mentioned in the first schedule to this Act, or is or are within the borrowing powers of the board, or otherwise in accordance with the provisions of this Act, or any regulations made thereunder, and shall not be prejudiced by the same not being so, and shall not be bound to see to or inquire into the application of the money or any part of the money arising from such stock or advances, or be in any way responsible for the non-application

thereof, and shall not be bound to inquire whether the board so raising money, or any meeting thereof, was properly constituted or convened, or that the proceedings at any meeting of such board were legal or regular. A.D. 1869.

Approval of Treasury.

43. The approval, sanction, or certificate of the Treasury, where required under this Act, may be signified by the signature of any officer appointed by them for the purpose, and shall, until the contrary is proved, be deemed to have been given, and the holder of consolidated stock shall not be prejudiced by reason of the absence of any such approval, sanction, or certificate.

Purchasers of land to be freed from charges.

44. Where the board sell or lease or otherwise dispose of to any person or body corporate any land, rents, or property charged under the provisions of this Act as security for any consolidated stock, such land, rents, and property shall in the hands of such person or body corporate be absolutely freed of every such charge, and such person or body corporate shall not be bound to see to or inquire into the application of the money arising from such sale to the consolidated loans fund or otherwise in manner directed by this Act, or be in any way responsible for the non-application thereof.

Power of board to sell, &c. land.

45. Nothing in this Act shall affect any power or duty of the board to sell, lease, or otherwise dispose of land, rents, or property belonging to them, or to apply the moneys in the nature of capital arising from such sale, lease, or disposition, in discharge of such liabilities and securities as are a charge on the same in priority to the charge created by this Act, or affect the claim of any person or body corporate under any of the Acts mentioned in the first schedule to this Act, or otherwise existing at the passing of this Act, to such moneys or any part thereof.

Creation by board of annuities.

46. The board may, in lieu of any portion of consolidated stock authorized to be created under this Act, create for the like purpose terminable annuities, to be called metropolitan annuities, and to be granted at such rate of interest, on such terms, subject to such conditions, and terminable after such number of years as the Treasury may before the creation thereof from time to time approve; and throughout this Act the term "stock" shall be construed to include annuities so created, and all the provisions of this Act shall be construed accordingly, subject to the following qualifications; namely,

(1.) The term "dividend" shall be construed to mean the portion of the annuity which represents interest.

(2.) The term "nominal amount of stock" shall be construed to mean the capital value of the annuity at the time when

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such nominal amount is required to be ascertained, such capital value to be calculated on the same principles as the calculation made at the time of its creation.

(3.) The term "redeeming stock" and terms referring thereto shall be construed to mean paying the portion of instalments of any annuity which represents capital.

(4.) Instalments of an annuity shall be paid on such days as may from time to time be fixed by the board with the approval of the Treasury.

(5.) An appointment of a receiver may be made where one or more of the applicants happen to be entitled partly to stock and partly to annuities, or where one or more of the applicants happen to be entitled to stock and one or more to annuities, as well as where he or they are entitled to stock alone or annuities alone.

(6.) Where power is given by this Act to create stock, or to lay out the consolidated loans fund in the purchase of stock or to convert any security into stock, or to invest in or advance money on the security of stock, such creation, purchase, conversion, investment, or advance may be of, in, into, or on the security of annuities only or partly annuities and partly stock.

(7.) There shall be paid in respect of every transfer of metropolitan annuities a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds of the value of the annuities transferred, which shall be computed in the case of a bonâ fide sale on the amount of the purchase money and in any other case upon the average selling price of the annuities transferred on the day of the date of the transfer.

Saving rights of holders of existing securities.

47. Nothing in this Act shall affect the security or rights of any person or body corporate who may, before the passing of this Act, have advanced money to the board for the purposes of the Acts mentioned in the first schedule to this Act, or who may for the time being hold any securities granted by the board under those Acts before the passing of this Act, so long as such persons or body corporate have not been paid the principal and interest due in respect of such advances and securities, or made an arrangement for the conversion of such security under this Act; and nothing in this Act shall prejudice or affect the guarantee given by the Treasury before the passing of this Act for the payment of the principal and interest of such securities; and the Treasury and the board shall

respectively during the same period (whenever so required by the holders of such securities) apply the improvement fund and the funds and moneys under the control of the board in such manner, and perform all such acts and exercise all such powers, and, if necessary, levy the same rates and assessments as they would have been required to do for the benefit and security of the holders of such securities if this Act had not passed:

Provided, that where the repayment of the sums borrowed is made by the security dependent on the state of the funds charged with such repayment, and no time has been expressly limited by the security for the payment of the money advanced to the board thereon, the holder of such security shall not be entitled to have the amount secured thereby paid to him at any earlier time than if this Act had not passed, or to have any larger proportion of the rate or fund which is charged with the same raised or applied, than he would have been entitled to have raised or applied, if this Act had not passed, that is to say, than the proportion which the amount of his security bears to the total amount of securities charged on that rate or fund before the passing of this Act, and having the same rank as to priority, but the board may at any time with his consent repay out of the consolidated loans fund the principal money due on the security.

Uncompleted contracts for loans.

48. Where at the passing of this Act the board have entered into any contract for any loan, with or without the guarantee of the Treasury thereon, and the whole of such loan has not been paid or the securities therefor have not been granted, for the purposes of this Act, such loan shall be deemed to be actually owing at the date of this Act and to have been advanced, charged, and secured according to the terms of such contract, and the guarantee of the Treasury, (if given,) to have been given, and the securities for such loan to have been granted and issued before the passing of this Act.

Annual return to be laid before Parliament.

49. On or before the first of June in every year the board shall prepare a return, in such form as may be from time to time directed by the Treasury, showing up to the twenty-fifth of March preceding the amount of consolidated stock, and the application of the money raised by such stock, and the sums carried to and the application of the consolidated loans fund, and such other particulars respecting their loan transactions, and such estimate of the expenditure of the board for all purposes for the year commencing on such twenty-fifth of March, as the Treasury may from time to time require, and such return shall be laid before both Houses of Parliament on or before the said first of June, if

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Parliament be then sitting, and if not within ten days after the next meeting of Parliament.

Provisions repealed in third schedule.

50. The Acts mentioned in the third schedule to this Act are hereby repealed to the extent therein mentioned, except so far as they relate to any securities granted and the application of any money raised before the passing of this Act, and to the rates and moneys for payment of such securities while they remain undischarged:

Provided that this repeal shall not affect anything already done or suffered, or any right already acquired or accrued under such enactments, or any rate or assessment already made or precept already issued, or any remedy or proceeding in respect of such thing, right, rate, assessment, or precept.

SCHEDULES.

FIRST SCHEDULE.

Acts Authorizing Loans.

Date.	Title.
PART I.—GENERAL IMPROVEMENT ACTS.	
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
19 & 20 Vict. c. 112.	The Metropolis Management Amendment Act, 1856.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.
20 & 21 Vict. c. cxv.	Covent Garden approach and Southwark and Westminster communication Act, 1857.
20 & 21 Vict. c. cl.	The Finsbury Park Act, 1857.
21 & 22 Vict. c. xxxviii.	Victoria Park Approach Act, 1858.
27 & 28 Vict. c. iv.	The Southwark Park Act, 1864.
28 & 29 Vict. c. iii.	Whitechapel and Holborn Improvement Act, 1865.
29 & 30 Vict. c. cl.	Kensington Improvement Act, 1866.
31 & 32 Vict. c. vii.	Marylebone (Stingo Lane) Improvement Act, 1868.
PART II.—MAIN DRAINAGE ACTS.	
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.
26 & 27 Vict. c. 68.	The Metropolitan Main Drainage Extension Act, 1863.
28 & 29 Vict. c. 19.	An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863.
PART III.—FIRE BRIGADE ACT.	
28 & 29 Vict. c. 190.	The Metropolitan Fire Brigade Act, 1865.
PART IV.—EMBANKMENT ACTS.	
25 & 26 Vict. c. 93.	The Thames Embankment Act, 1862.
26 & 27 Vict. c. 45.	The Metropolis Improvement Act, 1863.
26 & 27 Vict. c. 75.	The Thames Embankment Act, 1863.
27 & 28 Vict. c. cxxxv.	Thames Embankment Amendment Act, 1864.
27 & 28 Vict. c. 61.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1864.
31 & 32 Vict. c. 43.	The Thames Embankment and Metropolis Improvement (Loans) Act, 1868.
31 & 32 Vict. c. cxi.	The Thames Embankment (North and South) Act, 1868.
31 & 32 Vict. c. cxxxv.	The Thames Embankment (Chelsea) Act, 1868.
32 & 33 Vict. c. cxxxiv.	The Park Lane Improvement Act, 1869.

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SECOND SCHEDULE.

Forms of Transfer.

I, *A.B.*, of , in consideration of the sum of pounds paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, the sum of £ metropolitan consolidated stock [*or* annuities] standing in my name in the books kept of such stock [*or* annuities], and all my property, right, and interest in and to the same and the dividends thereon [*or* the instalments thereof].

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and .

A.B. (L.S.)

I, *C.D.*, do hereby accept the above-named sum of £ stock [*or* annuities], and will hold the same subject to the same conditions on which the said transferor held the same.

In witness whereof, I have hereunto set my hand this day of one thousand eight hundred and .

C.D. (L.S.)

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Date.	Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	"An Act for the better Local Management of the Metropolis."	So much of section one hundred and thirty-five of the Metropolis Management Act, 1855, as provides that the sewers and works therein mentioned shall be completed on or before the 31st of December 1860; so much of section one hundred and eighty-three as relates to the mode of borrowing by the Metropolitan Board of Works, and sections one hundred and eighty-four to one hundred and ninety-one, both inclusive, so far as regards the Metropolitan Board of Works.
20 & 21 Vict. c. cxv.	"Covent Garden Approach and Southwark and Westminster Communication Act, 1857."	Section forty-five from "and for securing" to end of section, and sections forty-six to fifty-three, both inclusive, and section fifty-six.
20 & 21 Vict. c. cl.	"The Finsbury Park Act, 1857" -	Section thirty-six from "and for securing" to end of section, and sections thirty-seven to forty-four, both inclusive.
21 & 22 Vict. c. 104.	"An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis."	Sections four to seven, and ten to twenty-two, all inclusive, and section twenty-six.
21 & 22 Vict. c. xxxviii.	"Victoria Park Approach Act, 1858" -	Section thirty-eight from "and for securing" to end of section, and sections thirty-nine to forty-four, both inclusive, and section forty-seven.
25 & 26 Vict. c. 93.	"An Act for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new streets in and near thereto."	Section thirty-seven, and sections forty-two to forty-six, both inclusive.
25 & 26 Vict. c. 102.	"An Act to amend the Metropolis Local Management Acts."	Sections nineteen and twenty so far as regards the Metropolitan Board of Works, and section twenty-six.
26 & 27 Vict. c. 45.	"An Act for making a new street from Blackfriars to the Mansion House in the City of London in connexion with the Embankment of the River Thames on the northern side of that river, and for other purposes."	So much of section twenty as incorporates section thirty-seven of the Thames Embankment Act, 1862; and sections twenty-two and twenty-three.
26 & 27 Vict. c. 68.	"An Act to extend the powers of the Act relating to the Main Drainage of the Metropolis."	The whole Act.
26 & 27 Vict. c. 75.	"An Act for the embankment of part of the river Thames on the south side thereof, in the parish of Saint Mary Lambeth, and for other purposes."	So much of section twenty-one as incorporates section thirty-seven of the Thames Embankment Act, 1862; sections twenty-six, twenty-seven, twenty-eight, and twenty-nine.

Date.	Title.	Extent of Repeal.
27 & 28 Vict. c. 61.	"An Act for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis, and for other purposes connected therewith."	The whole Act.
27 & 28 Vict. c. iv.	"The Southwark Park Act, 1864" -	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive.
28 & 29 Vict. c. 19.	"An Act to extend the period for borrowing the sum authorized to be raised under the Metropolitan Main Drainage Extension Act, 1863."	The whole Act.
28 & 29 Vict. c. 90.	"An Act for the establishment of a Fire Brigade within the metropolis."	Sections nineteen, twenty, and twenty-one.
28 & 29 Vict. c. iii.	"Whitechapel and Holborn Improvement Act, 1865."	Section thirty-one from "and for securing" to end of section, and sections thirty-two to thirty-nine, both inclusive, and section forty-two.
29 & 30 Vict. c. cl.	"Kensington Improvement Act, 1866"	Section thirty from "and for securing" to end of section, and sections thirty-one to thirty-eight, both inclusive, and section forty-one.
31 & 32 Vict. c. 43.	"An Act for extending the provisions of the Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the powers of the Metropolitan Board of Works in relation to loans under that Act."	The whole Act.
31 & 32 Vict. c. vii.	"Marylebone (Stingo Lane) Improvement Act, 1868."	Section nineteen from "and for securing" to end of section, and sections twenty to twenty-six, both inclusive, and section twenty-nine.
31 & 32 Vict. c. cxi.	"The Thames Embankment (North and South) Act, 1868."	So much of section eighteen as relates to the mode of borrowing, and sections nineteen to twenty-two, both inclusive.
31 & 32 Vict. c. cxxxv.	"The Thames Embankment (Chelsea) Act, 1868."	So much of section twenty-eight as incorporates section thirty-seven of the Thames Embankment Act, 1862; so much of section twenty-nine as relates to the mode of borrowing, and sections thirty to thirty-two, both inclusive.
32 & 33 Vict. c. cxxxiv.	The Park Lane Improvement Act, 1869	So much of section twenty-five as relates to the mode of borrowing, and sections twenty-six to twenty-eight, both inclusive.

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CHAP. 103.

An Act to amend the Law relating to the Warehousing of Wines and Spirits in Customs and Excise Warehouses, and for other purposes relating to Customs and Inland Revenue. [11th August 1869.]

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BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Customs and Excise Warehousing Act, 1869." Short title.

Part I.

Warehousing.

2. This part of this Act shall not come into operation until the first of October one thousand eight hundred and sixty-nine, which date is herein-after referred to as the commencement of this part of this Act. Commencement of Part I. of Act.

3. In this part of this Act— Interpretation of terms.

The term "foreign spirits" means all spirits and strong waters liable to a duty of customs :

The term "wine" means all wine liable to a duty of customs :

The term "British spirits" means and includes all plain spirits liable to a duty of excise, and such spirits when rectified or compounded :

The term "excise warehouse" means a warehouse approved by the Commissioners of Inland Revenue as a general excise warehouse for the deposit of spirits :

The term "customs warehouse" means a warehouse approved by the Commissioners of Customs as a warehouse for the deposit of spirits and wines.

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Warehousing of foreign spirits and wine in bond in excise warehouses.

4. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, any foreign spirits and wine of which an account has been taken by the proper officer of customs may, upon the prescribed bond being given, without payment of duty, be removed to any excise warehouse, and be removed from thence to any other excise warehouse or to any customs warehouse, or for exportation, or for use as ship's stores, and may, upon payment of the proper duties of customs, be delivered for home consumption.

Collection of duties.

5. The said duties shall be ascertained according to the laws and regulations for the time being in force with respect to the like spirits or wine delivered for home consumption from a customs warehouse, and shall be collected by the officers of excise under the directions of the Commissioners of Inland Revenue, and shall be from time to time paid into the Bank of England to the account of the Receiver General of Customs, and shall be dealt with and applied in the same manner as other monies arising from duties of customs.

A separate account of such duties shall be kept and furnished to the Commissioners of Customs by the Commissioners of Inland Revenue.

Repeal of existing charges on delivery of goods for home consumption.

6. The following enactments, namely,—

(1.) Section fifteen of "The Customs Tariff Amendment Act, 1860;"

(2.) So much of section one of "The Customs Duties Consolidation Act, 1860," as relates to charges on goods on delivery from warehouse for home consumption; and

(3.) Section six of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter ninety-eight, "to allow British compounded spirits to be warehoused upon drawback,"

are hereby repealed.

Scale of charges on delivery of goods for home consumption from customs and excise warehouses.

7. There shall be charged upon the goods herein-after mentioned, upon the delivery of the same for home consumption from any customs or excise warehouse, in addition to the duties of customs or excise payable in respect of such goods, and any other charges thereon, the rates following for every full sum of one hundred pounds, and in proportion for any fractional part of one hundred pounds of the amount of such duties, namely:

For Goods liable to Duties of Customs.

	£	*s.*	*d.*
In respect of tobacco - - - -	0	2	6
In respect of other goods - - -	0	5	0

For Goods liable to Duties of Excise.

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	£	*s.*	*d.*
In respect of British compounded spirits -	0	5	0

and such rates shall be deemed to be duties of customs or excise according as the same become payable in respect of goods delivered from a customs or excise warehouse.

Deposit of spirits of wine in excise warehouse.

8. Spirits of wine rectified from spirits on which the duties of customs or excise have been paid may be deposited in an excise warehouse.

Application of enactments to foreign spirits and wine in excise warehouses.

9. All enactments in force at the commencement of this part of this Act in relation—

(1.) To the removal of foreign spirits or wine to or from any customs warehouse, and the warehousing and treatment of such spirits or wine therein and the delivery of the same thereout; and

(2.) To the depositing in a customs warehouse of spirits of wine, and to the drawbacks in respect of spirits of wine, and to the use of spirits of wine or British spirits in a customs warehouse for fortifying wines, or for any other lawful purpose,

shall have effect as if they were enacted in this Act, and the term customs warehouse therein included an excise warehouse, and the powers and authorities thereby given to the Commissioners of Customs and to their officers were in terms given to the Commissioners of Inland Revenue and the officers of excise.

Application of enactments relating to British spirits.

10. All enactments in force at the commencement of this part of this Act in relation to the proprietor of any British spirits in any excise warehouse, or any person in his employ, or to the proprietor or tenant of any such warehouse, or to any person in his employ, shall have effect as if they were enacted in this Act, and the terms British spirits and spirits in such enactments included foreign spirits and wine.

Regulations by Commissioners of Inland Revenue, &c.

11. The prescribed bond shall be such bond as may be prescribed by regulations for the time being in force made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively; and all powers which the said Commissioners respectively have under the Acts relating to them of making regulations shall extend to authorize them to make regulations for any of the purposes of this part of this Act.

Extension of existing bonds by

12. Where at the commencement of this part of this Act there is in force any bond entered into by the proprietor or tenant of any

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proprietors or tenants of excise warehouses.

excise warehouse and his sureties, conditioned for the payment of a penalty in the event of a breach of any regulations respecting British spirits deposited in such warehouse, or the duties thereon, such condition shall extend to the breach of any regulations respecting foreign spirits or wine, or spirits of wine deposited in such warehouse under the provisions of this part of this Act, and the duties thereon respectively, unless the principal or any surety named in such bond has signified in writing under his hand to the Commissioners of Inland Revenue, on or before the first of September one thousand eight hundred and sixty-nine, that he desires to withdraw from such bond.

Warehousing of British compounded spirits whereof the strength cannot be ascertained by hydrometer.

13. Whereas by the said Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter ninety-eight, provision is made for allowing British compounded spirits to be warehoused upon drawback, and the strength of such spirits is thereby treated as capable of being ascertained by Sykes's hydrometer: And whereas certain British compounded spirits which are herein-after called "British liqueurs," are of such a nature that the strength thereof cannot be ascertained by Sykes's hydrometer, and it is expedient to make provision for the warehousing of British liqueurs for exportation or for ships stores: Be it enacted, that, subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, British liqueurs may be warehoused by a licensed rectifier or compounder of spirits in any customs or excise warehouse under the provisions of the said Act subject to the modifications following:—

1. The rectifier or compounder intending to warehouse any British liqueurs shall specify in the warehousing entry or note to be delivered by him under section four of the said Act, in addition to the matters thereby required to be specified other than the strength of such British liqueurs, the actual number of gallons at proof of the spirits from which the British liqueurs contained in each cask were compounded; and, as soon as any British liqueurs are warehoused, the proper officer of customs or excise at the warehouse shall take a sample from each cask containing such British liqueurs, and every such sample shall be examined, under the direction of the Commissioners of Inland Revenue, by distillation or otherwise, and the strength of the British liqueurs ascertained by such examination, after making a deduction of five degrees from the degrees of such strength, shall, in the construction of the provisions of the said Act for the

purposes of this section, be deemed to be the strength as denoted or indicated by Sykes's hydrometer.

2. If the quantity of spirits in any cask of British liqueurs shall, upon such examination as aforesaid, be found to be less than the quantity of spirits as specified in the warehousing entry or note, no drawback or allowance whatever shall be paid in respect of the British liqueurs contained in such cask.

3. British liqueurs warehoused in any customs or excise warehouse shall not be removed to any other warehouse or be delivered out otherwise than for exportation or for ships stores directly from the warehouse on board the vessel in which the same are to be exported or used as stores.

Part II.

Amendment of Customs and Excise Law.

Power to dispense with master's attendance at Custom House to verify contents of ship.

14. In order to prevent the inconvenience which arises from the master of a ship being required to attend at the Custom House immediately before the departure of his ship, the Commissioners of Customs may, if they think fit, dispense with the declaration required under section one hundred and forty-two of the Customs Consolidation Act, 1853, to be made by him that the content is a true account of all goods shipped or intended to be shipped on board his ship, and may accept a like declaration from any person authorized by the master in writing under his hand to make such declaration on his behalf; and such declaration shall be deemed for all purposes to be a declaration of the master.

Explanation of the repeal of 5 & 6 Vict. c. 79. by 32 & 33 Vict. c. 14.

15. Nothing in the Act of the present session, chapter fourteen, intituled "An Act to grant certain duties of customs and inland "revenue, and to repeal and alter other duties of customs and "inland revenue," shall be deemed to have extended or to extend to repeal any other part of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter seventy-nine, intituled "An Act to repeal the duties payable on stage "carriages, and on passengers conveyed upon railways, and certain "other stamp duties in Great Britain, and to grant other duties in "lieu thereof; and also to amend the laws relating to the stamp "duties," than sections eight to twelve, both inclusive, and so much of the schedule of such Act as relates to the duties on stage carriages.

Explaining the 7th section of

16. Whereas by section seven of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty,

A.D. 1869.

18 & 19 Vict. c. 38. relating to stocks of makers of methylated spirits.

chapter thirty-eight, the forfeiture is declared of the quantity of methylated spirit found in the stock of a maker of such spirit to be in excess at a greater rate than one per centum as in the said section is mentioned, and by the said section duty is directed to be charged upon and to be paid by any maker of methylated spirit for any quantity of methylated spirit found in the stock of such maker to be deficient at a greater rate than two per centum as in the said section is also mentioned; for the removal of doubts be it declared and enacted, that the excess or deficiency to be forfeited or charged with duty under the provisions of the said section shall be the whole excess or deficiency without deduction therefrom of the said rates of one per centum and two per centum respectively.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 104.

An Act for facilitating the Payment of Dividends on the Public Stocks, and for making regulations with respect thereto. [11th August 1869.] A.D. 1869.

WHEREAS it is expedient to give greater facilities for the payment of dividends on the public stocks, and to make further regulations in respect thereto:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Dividends and Stock Act, 1869."

Power to send dividend warrants by post.

2. It shall be lawful for the Governor and Company of the Bank of England, herein-after called the Bank, from time to time, with the sanction of the Commissioners of the Treasury, to make arrangements for payment of dividends on any stocks by sending warrants through the post. Every such warrant shall be deemed to be a cheque on the said Governor and Company within the intent and meaning of the statute of the twenty-first and twenty-second Victoria, chapter seventy-nine.

Effect of posting a warrant.

3. Every stockholder desirous of having his dividend warrants sent to him by post shall make a request accordingly in writing to the Bank, such writing to be signed by him, and to be in a form approved by the Bank and by the said commissioners, and shall give to the Bank an address in the United Kingdom to which the letters containing such warrants are from time to time to be sent, and the posting by the Bank of any letter addressed to a stockholder at his request at the address given by him to the Bank, and containing a dividend warrant, shall, as respects the liability of the Bank, be equivalent to the delivery of such warrant to the stockholder himself.

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Change of day on which dividends on stocks fall due.

4. The half-yearly dividends due on any public stocks which at the time of the passing of this Act fall due on the tenth of October in each year shall from and after the passing of this Act become due on the fifth of October instead of the tenth of October.

Audit of dividends.

5. The Treasury may from time to time make regulations as to the mode in which the audit of the accounts relating to dividends on public stocks is to be held by the Commissioners for Auditing the Public Accounts, and may, if they think fit, dispense with such audit altogether.

Definition of terms.

6. In this Act "public stocks" shall mean and include any stock forming part of the National Debt, and transferable in the books of the Bank:

"Stockholder" shall mean the proprietor of any share in the public stocks:

"Person" shall include corporation:

"United Kingdom" shall include the Channel Islands, the Isle of Man, and any other islands adjacent to any part of the United Kingdom:

"Warrant" shall include draft, order, cheque, or any other document used as a medium for payment of dividends.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 105.

An Act for empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the harbour of Galle in the colony of Ceylon. [11th August 1869.] A.D. 1869.

WHEREAS it is expedient to empower the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, to advance to the government of the colony of Ceylon a sum not exceeding two hundred and fifty thousand pounds for the improvement of the harbour of Galle in the said colony:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Harbour of Galle Loan Act, 1869."

Power to commissioners to advance money for improving harbour.

2. Subject as herein-after mentioned, the said Public Works Loan Commissioners are hereby empowered, out of any monies for the time being at their disposal for the purpose of harbours, to advance from time to time to the government of the colony of Ceylon, on the security of the general revenue of the colony of Ceylon, without any further security, a sum or sums not exceeding in the whole two hundred and fifty thousand pounds, to be applied by the said government in improving and fortifying the said harbour of Galle.

Interest on advance, and time of repayment.

3. Any monies from time to time advanced in pursuance of this Act shall bear interest at the rate of three and a half in the hundred by the year, and the principal so advanced, together with the interest thereon, shall be repaid by thirty-five equal annual instalments.

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Conditions of advance.

4. No monies shall be advanced in pursuance of this Act until the governor and legislative council of the colony of Ceylon have made an ordinance providing as follows; that is to say,

(1.) Charging the principal and interest of the monies advanced in pursuance of this Act on the general revenue of the said colony; and

(2.) Enabling the governor of the said colony to raise by taxation in the colony such additional sums (if any) as may be required to repay the principal and interest of the said advances in manner aforesaid; and

(3.) Appropriating all monies advanced as aforesaid for the purpose of improving and fortifying the said harbour of Galle, and for no other purpose.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 106.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. [11th August 1869.]

A.D. 1869.

WHEREAS the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Secretary of State in Council of India to raise any sum not exceeding 8,000,000*l.*

1. It shall be lawful for the Secretary of State in Council of India, at any time or times before the thirtieth day of April one thousand eight hundred and seventy-two, or, if Parliament be then sitting, before the end of the then session of Parliament, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole eight millions of pounds sterling, and such sum or sums may be raised by the creation and issue of bonds or debentures, or capital stock bearing interest, or annuities, or partly by one of such modes and partly by another or others.

Bonds may be issued under the hands of two members of the Council, countersigned by Secretary of State.

2. All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India, or one of his under secretaries, or his assistant under secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest as the said Secretary of State in Council may think fit.

Debentures may be issued.

3. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and counter-

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signed as aforesaid, for such respective amounts, and at such rate or rates of interest, as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

As to payment of principal and interest on debentures.

4. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal monies and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England.

Debentures transferable by delivery or deed.

Coupons by delivery.

5. All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest monies secured thereby, shall be transferable by the delivery of such debentures; and the coupons for interest annexed to any debenture issued under the authority of this Act shall also pass by delivery.

Capital stock and annuities may be created and issued.

6. Any capital stock created under the authority of this Act shall bear such a rate of interest, and any annuities to be created under the authority of this Act shall be at such rate per centum per annum, as the Secretary of State in Council may think fit; and such capital stock and such annuities may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock; and such annuities may be terminable at such period as the Secretary of State in Council may prescribe previously to the issue of such annuities.

Transfer books of such capital stock and annuities to be kept.

7. In case of the creation and issue of any such capital stock or of any such annuities, there shall be kept, either at the office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock and annuities respectively, and wherein all assignments or transfers of the same respectively, or any part thereof respectively, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may

respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or the said annuities, or any part thereof respectively, or any interest therein respectively, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

Annuities deemed personal estate.

8. All annuities created and issued under the authority of this Act shall be deemed and taken to be personal and not real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereto, and not to the heir-at-law, nor be liable to any foreign attachment by the custom of London, or otherwise.

The whole amount charged on revenue of India not to exceed 8,000,000*l.*

9. The whole amount of the principal monies to be charged on the revenues of India under this Act shall not exceed eight millions; and no money shall be raised or secured under the authority of this Act after the said thirtieth day of April one thousand eight hundred and seventy-two, or, if Parliament be then sitting, after the end of the then session of Parliament, save for or upon the repayment of principal monies previously secured under this Act as herein-after provided.

Power to raise money for payment of principal money.

10. Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid.

Securities, &c. to be charged on revenues of India.

11. All bonds and debentures to be issued under this Act, and the principal monies and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, and all annuities to be issued under this Act, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.

12. The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the

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authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

Forgery of debentures to be punishable as forgery of East India bonds.

13. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.

14. Provided always, that on or before the first day of May in each year, the said Secretary of State in Council shall prepare or cause to be prepared a return of all monies raised on loan under the provisions of this Act; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India, at home and abroad, up to the latest period of time to which such return can be made out: That all such returns shall be presented to both Houses of Parliament on or before the fourteenth day of May in each year, if Parliament is then sitting, and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the fourteenth day of May in each year.

Saving powers of the Secretary of State in Council.

15. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

East India Stock.

16. Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 107.

An Act to amend The Metropolitan Commons Act, 1866. A.D. 1869.

[11th August 1869.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Metropolitan Commons Amendment Act, 1869."

Extension of interpretation of term "common" in 29 & 30 Vict. c. 122.

2. The following words shall be added to the interpretation of the term "common" in the third clause of The Metropolitan Commons Act, 1866; namely, "and any land subject to be included under the provisions of the eighth and ninth Victoria, chapter one hundred and eighteen."

Extension of right to memorialize.

3. A scheme may be made, under The Metropolitan Commons Act (1866), on a memorial in that behalf presented to the Commissioners by any twelve or more ratepayers, inhabitants of the parish or parishes in which the Metropolitan Common is situate, as well as by any such person, persons, or body as is or are described in section six of the said Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 108.

An Act to amend "The Sanitary Act, 1866," so far as the same relates to Ireland. [11th August 1869.] A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

"Nuisances Removal Acts" in Sanitary Act, 1866, to include 26 & 27 Vict. c. 117. in application to Ireland.

1. In the application of "The Sanitary Act, 1866," to Ireland, the term "Nuisances Removal Acts" shall be deemed to include and shall include "The Nuisances Removal Act for England (Amendment) Act, 1863."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 109.

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in the two Universities the "presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence. A.D. 1869.

[11th August 1869.]

WHEREAS by an Act passed in the first year of the reign of their Majesties King William and Queen Mary, chapter twenty-six, it was (amongst other things) enacted, that if any person presented or nominated to any benefice with cure as in the same Act is mentioned should be absent from the same above the space of sixty days in any one year, in such case the said benefice should become void: 1 W. & M. c. 26.

And whereas by an Act passed in the first and second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to abridge the holding of benefices in plurality, "and to make better provision for the residence of the clergy," provisions are made for enforcing the residence of spiritual persons upon their benefices, and penalties and forfeitures are thereby imposed for non-residence, which Act was amended by an Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, but the herein-before recited provision contained in the said Act of the first year of the reign of their Majesties King William and Queen Mary was not expressly repealed: 1 & 2 Vict. c. 106.

And whereas it is desirable, for the sake of uniformity, that the residence of spiritual persons upon their benefices should in all cases be enforced under the powers of the herein-before mentioned Acts of the reign of Her present Majesty, and that such spiritual

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persons should not be subjected to any penalties or forfeitures in consequence of non-residence, other than the penalties and forfeitures provided by the same Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of first recited Act.

1. So much of the said Act of the first year of the reign of their Majesties King William and Queen Mary as is herein-before recited shall be and the same is hereby repealed; but so as not to prejudice or affect any right which may have accrued by reason of any avoidance of a benefice under the same section incurred before the passing of this Act.

What proceedings may be taken for enforcing residence.

2. From and after the passing of this Act, no proceeding shall be taken against any spiritual person for enforcing the residence of such spiritual person upon his benefice, or by reason of his non-residence on his benefice, except under the powers and provisions contained in the herein-before mentioned Acts of Parliament of the first and second years of the reign of Her present Majesty, chapter one hundred and six, and the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, or of any Act for the time being in force for amending the same, and no penalty or forfeiture shall be incurred in consequence of the non-residence of any spiritual person upon his benefice, save and except such penalties for non-residence as are provided by the herein-before mentioned Acts of the reign of Her present Majesty, or as shall be provided by any Act for the time being in force for amending the same.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 110.

An Act for amending the Charitable Trusts Acts. A.D. 1869.

[11th August 1869.]

WHEREAS doubts have arisen respecting the construction of some provisions of the Charitable Trusts Acts, and it is expedient to remove such doubts and otherwise to amend those Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Charitable Trusts Act, 1869."

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Act to be construed with 16 & 17 Vict. c. 137. 18 & 19 Vict. c. 124. 23 & 24 Vict. c. 136. 25 & 26 Vict. c. 112.

3. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Charitable Trusts Act, 1853, the Charitable Trusts Amendment Act, 1855, and the Charitable Trusts Act, 1860, and the Act of the Session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and twelve, "for establishing the jurisdiction of the Charity Commissioners in certain cases" (which may be cited as the Charitable Trusts Act, 1862), and those Acts, together with this Act, may be cited as the Charitable Trusts Acts, 1853 to 1869.

Amendment of sect. 3. of 23 & 24 Vict. c. 136. s. 3.

4. A notice under section three of the Charitable Trusts Act, 1860, need not be sent by the Board of Charity Commissioners for England and Wales to any trustee or administrator of a charity who has been party or privy to the application to the Board upon which they exercise their jurisdiction.

Mode of application to Board.

5. An application to the Board of Charity Commissioners for England and Wales, for the purposes of the Charitable Trusts Acts, 1853 to 1869, when made by the trustees or persons acting in the

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administration of the charity, may be made in writing signed by any person authorized in that behalf by a resolution passed by a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question.

Powers of Board on application.

6. The Board shall be deemed to have and to have always had power in any order made upon an application to them, for the exercise of their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, to insert in the order any incidental provisions which they think expedient for carrying into effect the substantial objects of the application, and which they would have had power to insert if such provisions had been included in the application.

Notice of order. 23 & 24 Vict. c. 136. s. 6.

7. Nothing in the Charitable Trusts Acts, 1853 to 1869, shall be deemed to require or to have required the Board, upon modifying a proposed order in manner provided by section six of the Charitable Trusts Act, 1860, after the publication thereof, to give public notice of such modified order in the manner provided by that section with respect to the order originally proposed, unless they think further notice desirable.

Discharge of order of Board for irregularity.

8. The Board shall be deemed to have and to have always had power with or without any application to discharge, within twelve months after an order is made by them, the whole or any part of any order appearing to have been made by them by mistake or on misrepresentation, or otherwise than in conformity with the Charitable Trusts Acts, 1853 to 1869.

Every order made by the Board, in exercising their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, shall, until discharged or varied by the Board or by the Court of Chancery on appeal under section eight of the Charitable Trusts Act, 1860, have effect according to its tenor.

Every order of the Board shall, subject to all powers which the Court of Chancery has to discharge or vary it, under section eight of the Charitable Trusts Act, 1860, and subject to the power of the Board to discharge it wholly or partially for the causes mentioned in this section, be deemed to have been duly and formally made, and no objection thereto on the ground only of irregularity or informality shall be entertained.

Employment of persons to prepare and defend scheme.

9. The Board, if they think it desirable, where the gross annual income of a charity is in their opinion sufficient to bear the expense, may, upon the application of the trustees or of any other person or persons entitled to apply to them in that behalf, employ or may authorize the trustees or persons acting in the

administration of such charity to employ skilled and competent persons to prepare any scheme, order, statement, or other proceeding for the purposes of the Charitable Trusts Acts, 1853 to 1869, with respect to such charity, or to make or assist in any survey or local inquiry with reference thereto, and may order the costs incurred under this section or upon any inquiry by an inspector, or in consequence of the employment of any person to appear on behalf of the respondent upon any appeal against any scheme or order, to be provided in the same manner as if they were costs of a transaction mentioned in section thirty-six of the Charitable Trusts Act, 1855. A.D. 1869.

Appeals under 23 & 24 Vict. c. 136.

10. A petition to the Court of Chancery under section eight of the Charitable Trusts Act, 1860, may be presented in the case of all charities by the same persons only as in the case of a charity the gross annual income of which does not exceed fifty pounds.

Service of Attorney General by appellant under sect. 8. of 23 & 24 Vict. c. 136. s. 8.

11. A petition shall not be presented to the Court of Chancery by any person under section eight of the Charitable Trusts Act, 1860, before the expiration of twenty-one days after written notice under the hand of the appellant of his intention to present such petition has been served on the Attorney General by delivering the same to the solicitor who acts for him in ex officio proceedings relating to charities.

Legal power of majority of trustees to deal with charity estates.

12. Where the trustees or persons acting in the administration of any charity have power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity, a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question shall have and be deemed to have always had full power to execute and do all such assurances, acts, and things as may be requisite for carrying any such sale, exchange, partition, mortgage, lease, or disposition into effect, and all such assurances, acts, and things shall have the same effect as if they were respectively executed and done by all such trustees or persons for the time being and by the official trustee of charity lands.

Legal proceedings by trustees of charities for protection of charity property, &c.

13. The majority of the trustees of any charity, if authorized by the Board, may institute and maintain any action, suit, petition, or other proceeding in the same manner in all respects as if they were the sole trustees of the charity.

Where the trustees, or the majority of the trustees, of any charity, institute and maintain any action, suit, petition, or other proceeding under the authority of the Board, such action, suit, petition, or other proceeding shall not abate or become discontinued or of no effect

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by reason of the death or removal from office of any of the trustees, or of the addition of any new trustee, but shall continue and have effect for and against the trustees for the time being of the charity, in the same manner as if they were actually named therein.

Application by exempted charities to have benefit of Act. See 16 & 17 Vict. c. 137. s. 3.

14. Either the trustees or the persons acting in the administration of any charity exempted from the operation of the Charitable Trusts Acts, 1853 to 1869, may apply to the Board to have the said Acts or any provisions thereof specified in the application extended to such charity: Such application shall be made by such of the said trustees or persons as having regard to the value of the charity might under the provisions of the said Acts, if the charity were not exempted therefrom, make an application for a scheme to any judge or court or to the Board, and shall be made in the same manner and according to the same regulations as such application.

On any such application the Board may make an order directing that the said Acts or any provisions of them specified in the application shall extend, and such Acts or provisions shall thereupon after the date of the order extend to such charity in the same manner as if it were not exempted therefrom.

Before making any order under this section the Board shall cause such notices of the proposed order to be given as by section three of the Charitable Trusts Act, 1860, as amended by this Act, and by section six of the same Act are required to be given before the making of an order for establishing a scheme.

Extension of part of Acts to registered places of religious worship.

15. So much of the Charitable Trusts Acts, 1853 to 1869, as authorizes and relates to orders of the Board for the appointment or removal of trustees of a charity, or for or relating to the vesting of any real or personal estate belonging thereto, or for the establishment of any scheme for the administration of any charity, shall extend to buildings registered as places of meeting for religious worship with the Registrar General of Births, Deaths, or Marriages in England, and bonâ fide used as places of meeting for religious worship: Provided that no such order shall be made except upon the application of the trustees or persons acting in the administration of the charity, made in manner provided by section four of the Charitable Trusts Act, 1860, or by this Act. Save as provided by this section, such buildings shall continue exempted from the Charitable Trusts Acts, 1853 to 1869.

Treasury to fix scale of fees.

16. The Lords Commissioners of Her Majesty's Treasury may from time to time prescribe a scale of fees to be charged for any business done by the Board under this or any other Act, and may direct whether the same shall be imposed by stamps or otherwise,

and by whom and in what manner the same shall be collected, accounted for, and appropriated; and before any such fees shall be taken or received by the said Charity Commissioners every such scale of fees shall be published in the London Gazette. The scale of fees shall be laid before both Houses of Parliament within thirty days after the same has been so prescribed if Parliament is then sitting, and if not, within thirty days after the then next meeting of Parliament; and if any such scale shall be disapproved of by both Houses of Parliament within one month after the same shall have been so laid before Parliament, such fees or such parts thereof as shall be disapproved of shall not be charged by the Board.

Scale to be laid before Parliament.

17. The enactments described in the schedule to this Act are hereby repealed; provided that,

Repeal.

(1.) This repeal shall not affect anything already done or suffered, or any right acquired or order made, under such enactments:

(2.) Any proceedings already commenced under the enactments hereby repealed shall be proceeded with in the same manner as if this repeal had not been made.

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SCHEDULE.

Date.	Title.	
16 & 17 Vict. c. 137.	An Act for the better administration of Charitable Trusts -	In part; namely, section sixty-three.
23 & 24 Vict. c. 136.	An Act to amend the law relating to the administration of Endowed Charities - - -	In part; namely, section sixteen.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 111.

An Act for the relief of Archbishops and Bishops when incapacitated by infirmity. [11th August 1869.] A.D. 1869.

WHEREAS it is expedient to provide for the relief of archbishops and bishops who by reason of age or any mental or bodily infirmity may be permanently incapacitated from the due performance of their episcopal duties:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Bishops Resignation Act, 1869." Short title.

Resignation.

2. On a representation being made to Her Majesty, in manner herein-after mentioned, that any archbishop or bishop in England is desirous of resigning his archbishopric or bishopric by reason that he is incapacitated by age or some mental or permanent physical infirmity from the due performance of his duties as archbishop or bishop, it shall be lawful for Her Majesty, if satisfied of such incapacity, and that such archbishop or bishop has canonically resigned, by Order in Council to declare such archbishopric or bishopric to be vacant, and thereupon such vacancy may be filled up in the same manner and with the same incidents in all respects as if such archbishop or bishop were dead, with the exceptions following; that is to say, As to resignation of bishops.

(1.) There shall be paid, by the year, to the retiring archbishop or bishop, out of the revenue of the archbishopric or bishopric, and as a first charge thereon in the hands of the successor, such one of the two sums herein-after mentioned as may be the greater, that is to say, one third

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part of the income enjoyed by the retiring archbishop or bishop before his retirement, or two thousand pounds; such yearly sums to accrue due from day to day, but to be payable half-yearly: Provided that if in the case of the retirement of any bishop appointed before the year one thousand eight hundred and thirty-two such retiring allowance shall exceed the sum of two thousand pounds, the excess shall be paid by the Ecclesiastical Commissioners for England out of their common fund:

(2.) Her Majesty may, upon special grounds, by the Order in Council declaring the archbishopric or bishopric to be vacant, or by any subsequent Order in Council, assign to the retiring archbishop or bishop, for his residence during his life, any episcopal residence hitherto occupied by him.

(3.) With the exception of the necessary expenses of his election and consecration, an archbishop or bishop succeeding to a retiring archbishop or bishop in pursuance of this section, shall not be required to pay the fees and charges usually payable on accession to an archbishopric or bishopric until the death of the retiring archbishop or bishop.

For the purposes of this section a representation shall be made to Her Majesty, in the case of a bishop desirous of resigning, by the archbishop of the province at the instance of the bishop, and in the case of an archbishop by such archbishop himself.

Bishops Coadjutor.

Proceedings to prove the incapacity of a bishop.

3. If it appears to any archbishop on credible evidence that any bishop within his province is incapacitated by reason of permanent mental infirmity from the due performance of his episcopal duties, he shall call to his aid two bishops of his province, and such archbishop and bishops shall inquire into the existence of such incapacity, and if satisfied thereof shall certify under their hands and seals the fact to one of Her Majesty's Principal Secretaries of State, together with the evidence on which their certificate is founded.

Appointment of bishop coadjutor.

4. Upon the receipt of such certificate it shall be lawful for Her Majesty to grant to the dean and chapter of the diocese a licence to proceed to the election of a bishop coadjutor, accompanied by a letter missive from Her Majesty containing the name of the person whom Her Majesty may desire to be appointed bishop coadjutor of

the diocese to which the bishop certified to be incapacitated belongs, and the dean and chapter shall thereupon proceed in reference to the election of the person named as bishop coadjutor in the same manner in all respects as if a licence had been granted to them to proceed to the election of a bishop, accompanied by the usual letter missive, and the person named as bishop coadjutor, when so elected, shall be confirmed and consecrated a bishop in like manner as if the bishopric of the incapacitated bishop were vacant.

Relative positions of bishop and bishop coadjutor.

5. The following enactments shall be made with respect to the relative positions of the incapacitated bishop, in this Act referred to as the bishop and his bishop coadjutor:

(1.) The bishop shall retain his rank, style, and privilege:

(2.) Subject to the annual payment by this Act directed to be made to the bishop coadjutor, the bishop shall retain all the temporalities of his see, except the patronage:

(3.) The bishop coadjutor shall not as such either be installed or sue the temporalities of the see out of the Queen's hands, or acquire any title to sit in the House of Lords. He shall be styled the bishop coadjutor of the diocese to which he is attached, and may subscribe himself by his usual signature with the addition of bishop, but not by the name of the diocese:

(4.) The bishop coadjutor shall not as such be required to pay any fees except the necessary expenses of his election and consecration:

(5.) Immediately upon the consecration of a bishop coadjutor the spiritualities of the see and the patronage of the bishop shall pass to and vest in the bishop coadjutor, in the same manner and to the same extent as if he were the sole bishop, and such bishop shall for all purposes and in all respects, except as by this Act otherwise provided, be deemed to be sole bishop of the diocese in which he is appointed bishop coadjutor:

(6.) There shall be paid to the bishop coadjutor out of the episcopal income of the bishop the sum of two thousand pounds by the year:

(7.) The said sum of two thousand pounds shall be deemed to be a first charge on the income of the bishop, and to accrue due from day to day, but to be payable half-yearly:

(8.) Upon the death of the bishop the bishop coadjutor shall succeed to his bishopric with the same ceremonies, upon

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the same payments, and in the same manner in all respects, except consecration, as if Her Majesty had granted to the dean and chapter of the diocese a licence to proceed to the election of a bishop, and such licence had been accompanied by a letter missive of Her Majesty naming the bishop coadjutor as the person whom the dean and chapter were required to elect and choose :

(9.) When a bishop coadjutor has been appointed, and the bishop dies, no vacancy shall be created in the spiritualities of the bishopric to which the bishop coadjutor succeeds, but such spiritualities shall, in the case of the bishop coadjutor succeeding to the deceased bishop, remain vested in the bishop coadjutor.

Supplemental Provisions.

Conduct of inquiry.

6. The persons authorized under this Act to make an inquiry into the incapacity of a bishop shall give notice to the registrar of the diocese of a time and place at which the inquiry will be made, and the registrar, or any person authorized by or on behalf of the incapacitated bishop may attend such inquiry, and produce such evidence on behalf of the bishop as he thinks fit, and cross-examine the witnesses adduced to prove his incapacity and generally conduct the case on behalf of the bishop. The persons conducting the inquiry, or any of them, may examine witnesses on oath or not, in writing or orally, as they think expedient, and any person when examined by such persons who wilfully makes a false statement, whether on oath or not, shall be guilty of a misdemeanor. Any person refusing to give evidence when required, after a tender of his reasonable expenses, may be certified by any person conducting such inquiry to have so refused to any judge of one of Her Majesty's superior courts of law or equity, and such judge may deal with such person in the same way as if he had refused to give evidence in a proceeding instituted in the court of which he is judge.

Proof of incapacity by bishop.

7. If any bishop has been found by due process of law to be a lunatic or of unsound mind, the archbishop may dispense with an inquiry and certify to Her Majesty under his hand and seal the incapacity of such bishop, and such certificate shall for the purposes of this Act have the same effect in all respects as if it were the certificate of the archbishop and two bishops made in pursuance of this Act.

8. The expenses of any inquiry under this Act into the incapacity of a bishop shall be certified under the hands of any two persons authorized to conduct the inquiry, and when so certified shall be defrayed out of the revenues of the bishopric. Expenses of an inquiry.

9. The annual charge payable in respect of first fruits and tenths shall, in the case of the appointment of any bishop coadjutor, be paid by such coadjutor and the bishop in proportion to the income received by them respectively in pursuance of this Act. Apportionment of first fruits and tenths.

10. If any bishop coadjutor dies or resigns the same consequences shall ensue, and the same powers in relation to a bishop coadjutor shall accrue to Her Majesty as upon the receipt of a certificate under this Act that the bishop of the diocese is incapacitated by mental infirmity from the due performance of his episcopal duties. Death or resignation of a bishop coadjutor.

Sodor and Man.

11. This Act shall apply to the bishopric of Sodor and Man in the same manner in all respects as if it were a bishopric in England, with the following exceptions: Application of Act to the bishopric of Sodor and Man.

(1.) If the Bishop of Sodor and Man resign, his retiring pension shall be one thousand pounds a year:

(2.) If a coadjutor be appointed to the Bishop of Sodor and Man the yearly sum payable to such bishop coadjutor shall be one thousand pounds a year:

(3.) The Bishop of Sodor and Man shall not be translated to any diocese of which a bishop coadjutor has been appointed.

Application of Act to Archbishops.

12. A bishop coadjutor may be appointed in the case of an archbishop being incapacitated by reason of permanent mental infirmity from the due performance of his duties, in the same manner in all respects as if such archbishop were a bishop and his archbishopric a bishopric, and all the provisions of this Act shall apply accordingly with the following additions and exceptions: Application of the Act to archbishops.

(1.) That where the incapacity of an archbishop is in question there shall in the inquiry be substituted for the archbishop such bishop of his province as Her Majesty may by sign manual determine, on its being certified to Her Majesty by any two bishops of the province that the archbishop is incapacitated by permanent mental infirmity from the due performance of his duties, and the nominee of Her Majesty shall in all respects for the purposes of this Act exercise the powers of an archbishop:

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(2.) That in the case of the Archbishop of York the bishop coadjutor shall be entitled to a salary of three thousand pounds a year, and in the case of the Archbishop of Canterbury to a salary of four thousand pounds a year:

(3.) That the archiepiscopal jurisdiction capable of being exercised by the archbishop shall be exercised by the bishop of the province who is senior in rank.

Translation of Bishops.

Provision as to translation of bishops.

13. Notwithstanding the appointment of a bishop coadjutor, Her Majesty may in the case of the archbishopric of Canterbury, the archbishopric of York, or any of the bishoprics of London, Durham, or Winchester, on the death of the archbishop or bishop, exercise the same right of translation as if no bishop coadjutor had been appointed, so that such right be so exercised as to leave an archbishopric or bishopric vacant for the bishop coadjutor, and in the event of any translation or translations taking place the bishop coadjutor shall be entitled to succeed to any archbishopric or bishopric thereby left vacant in the same manner in all respects as if he were a bishop and not a bishop coadjutor, and had been translated to such vacant archbishopric or bishopric.

Definitions.

Definitions.

14. In this Act,—

"Temporalities" shall include all real and personal property held by any archbishop or bishop as such, and all fees and emoluments receivable by him by virtue of his office:

"Spiritualities" shall include all episcopal and other jurisdiction of whatever description exercisable by an archbishop or bishop:

"Patronage" shall include all advowsons, rights of presentation to benefices, and any ecclesiastical or cathedral preferment or dignity, and all other appointments to office exercisable by an archbishop or bishop by reason of his office.

Repeal.

Repeal of 6 & 7 Vict. c. 62.

15. There shall be repealed the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter sixty-two, intituled "An Act to provide for the performance of the "episcopal functions in case of the incapacity of any bishop or "archbishop;" provided that such repeal shall not affect any proceeding commenced, any right acquired, or any act or thing duly done, under such repealed Act.

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Duration of Act.

16. This Act shall remain in force for two years, and further until the end of the then next ensuing session of Parliament; but notwithstanding the expiration of this Act all matters and things made and done during its continuance shall remain valid and effectual, and all payments consequential thereon shall continue to be made as if this Act had not expired.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 112.

An Act to prevent the Adulteration of Seeds. A.D. 1869.

[11th August 1869.]

WHEREAS the practice of adulterating seeds, in fraud of Her Majesty's subjects, and to the great detriment of agriculture, requires to be repressed by more effectual laws than those which are now in force for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

1. This Act may be cited as "The Adulteration of Seeds Act, 1869."

Interpretation of terms.

2. In this Act—

The term "to kill seeds" means to destroy by artificial means the vitality or germinating power of such seeds:

The term "to dye seeds" means to give to seeds by any process of colouring, dyeing, sulphur smoking, or other artificial means the appearance of seeds of another kind.

Offences in relation to seeds.

3. Every person who, with intent to defraud or to enable another person to defraud, does any of the following things; that is to say,

(1.) Kills or causes to be killed any seeds; or,

(2.) Dyes or causes to be dyed any seeds; or,

(3.) Sells or causes to be sold any killed or dyed seeds,

shall be punished as follows; that is to say,

(1.) For the first offence he shall be liable to a penalty not exceeding five pounds;

(2.) For the second and any subsequent offence he shall be liable to pay a penalty not exceeding fifty pounds:

Moreover, in every case of a second or any subsequent offence against this Act, it shall be lawful for the court, besides inflicting upon the person guilty of such offence the punishment directed by

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this Act, to order the offender's name, occupation, place of abode, and place of business, and particulars of his punishment under this Act, to be published, at the expense of such offender, in such newspaper or newspapers, or in such other manner as the court may think fit to prescribe.

Summary proceedings for offences, penalties, &c.

4. Any forfeiture or penalty under this Act may be recovered, enforced, and applied as follows:

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same:

In Scotland, in manner directed by The Summary Procedure Act, 1864, and any Act amending the same, or by any police or other Act for the time being in force in any place, and providing for the recovery of forfeitures and penalties:

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis.

Any jurisdiction by this section authorized to be exercised by two justices may be exercised by any of the following magistrates within their respective jurisdictions; that is to say,

As to England, by any metropolitan police magistrate sitting alone at a police court or other appointed place, or by the Lord Mayor or any alderman of the city of London, sitting alone or with others within the said city:

As to Scotland, by the sheriff or sheriff substitute, or by any police magistrate of a burgh:

As to Ireland, by any one or more divisional magistrate of police in the police district of Dublin, and elsewhere by one or more justice or justices of the peace in petty sessions.

The term "court" shall include the justices, magistrate, or other person or persons before whom proceedings may be had for the recovery of any forfeiture or penalty.

Intent to defraud particular person need not be alleged.

5. In any proceeding for any offence against this Act, it shall be sufficient to allege that the party accused did the act charged with intent to defraud or to enable some other person to defraud, without alleging an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person; and

on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

Appeal from summary conviction.

6. In England where the person who is convicted under this Act thinks himself aggrieved by the conviction, such person may appeal to the next Court of General or Quarter Sessions held not less than twelve days after the day of such conviction for the county or place where the conviction is had, in manner and upon the conditions in and upon which a person aggrieved by a summary conviction under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six, may appeal in pursuance of the one hundred and tenth section of the said Act.

In Scotland and Ireland, in like cases as in England, an appeal shall lie in manner in that behalf provided by the law of Scotland and of Ireland respectively.

A summary conviction under this Act in England shall not be quashed for want of form or be removed by certiorari; and a warrant of commitment on any such conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted, and there is a good conviction to sustain the same.

Limiting time for proceedings under this Act.

7. Every complaint under this Act against any person in respect of selling or causing to be sold any killed or dyed seeds shall be commenced within twenty-one days from the time of the commission of the offence complained of.

Court may order prosecutor to pay costs of unreasonable prosecution.

8. Whenever any complaint is preferred against any person under this Act, and the court upon the hearing thereof determines that it is not bonâ fide made upon reasonable and probable cause, it shall be lawful for the court in its discretion to direct and order that the prosecutor or other person by whom or at whose instance such complaint has been preferred shall pay unto the accused person the just and reasonable costs, charges, and expenses, to be settled by the court, of such accused person and his witnesses, occasioned by or consequent upon the preferring of such complaint; and upon nonpayment of such costs, charges, and expenses within fourteen days after the date of such direction and order, it shall be lawful for the court to enforce payment of the same in the same manner as if such costs were a penalty incurred by the person liable to pay the same.

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Other remedies not to be affected.

9. Nothing in this Act contained shall prejudice or affect the power of proceeding by indictment or libel in respect of any offence herein provided for, nor shall any proceeding, conviction, or judgment to be had or taken under the provisions hereof against any person prevent, lessen, or impeach any remedy by civil process at law or in equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Commencement of Act.

10. This Act shall commence and take effect on the first day of May one thousand eight hundred and seventy.

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CHAP. 113.

An Act to prohibit for a limited period the importation, and to restrict and regulate the carriage, of Nitro Glycerine. A.D. 1869.

[11th August 1869.]

WHEREAS the carriage and conveyance of nitro glycerine has been found to be attended with great risk and danger to the lives and property of Her Majesty's subjects, and it is desirable to restrict and regulate such carriage, and in particular to prevent the mischief which might arise from explosions in the removal and landing of nitro glycerine from ships, and for that purpose to prohibit the importation thereof:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Nitro Glycerine Act, 1869."

Interpretation of terms.

2. In the interpretation of this Act—

"Nitro glycerine" means the substance called or known by that name, or as glonoine oil, and this Act extends to every substance having nitro glycerine in any form as one of its component parts or ingredients in the same manner as if it were nitro glycerine:

"Court" includes any justices, sheriff, or magistrate exercising jurisdiction under the powers of this Act:

"Person" includes body corporate.

Prohibition of importation and exportation of nitro glycerine.

3. Save as herein-after mentioned, no person shall, after the passing of this Act, bring into any port or harbour of the United Kingdom, or ship or unship on, from, or near the coasts of any part of the United Kingdom, any nitro glycerine.

If any person acts in contravention of this section he shall be guilty of a misdemeanor, and shall, at the discretion of the Court, be liable to be imprisoned, with or without hard labour, for any

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term not exceeding one year, or to pay a penalty not exceeding five hundred pounds; and all nitro glycerine brought into any port or harbour or shipped or unshipped in contravention of this section shall be forfeited.

If it is shown to the satisfaction of one of Her Majesty's Principal Secretaries of State that any substance having nitro glycerine in any form as one of its component parts or ingredients can safely be brought into any port or harbour of the United Kingdom, or be safely shipped or unshipped on, from, or near the coasts of any port of the United Kingdom, he may by general or special licence authorize the introduction or exportation of such substance into or from the United Kingdom on such conditions as he thinks expedient.

No penalty shall be inflicted in pursuance of this section on any person bringing nitro glycerine into any port or harbour of the United Kingdom who proves to the satisfaction of the Court before which he is tried that he was driven into such port or harbour by stress of weather, that with as little delay as possible he gave notice to the authorities having jurisdiction in such port or harbour of the arrival of the ship bringing nitro glycerine, and that he conformed to any directions which may have been given him by such authorities.

Regulation as to the manufacture, sale, and carriage of nitro glycerine.

4. No person shall, after the expiration of four weeks from the passing of this Act, manufacture, sell, carry, or otherwise dispose of or have in his possession any nitro glycerine in any part of the United Kingdom, except in accordance with a general or special licence issued by one of Her Majesty's Principal Secretaries of State; the said Secretary of State may annex any absolute prohibitions or any restrictions to any licence granted by him in pursuance of this Act, limiting the manufacture, sale, carriage, disposal, or storage of nitro glycerine to particular persons, and to particular places, and for particular purposes, or otherwise prohibiting or restricting the manufacture or use thereof in such manner as he thinks fit; he may also, in any case where he allows nitro glycerine to be carried, prohibit the carriage thereof along any public way, and add restrictions as to the persons by whom, the mode in which, the places from and to which, and the quantity in which any nitro glycerine is to be carried, and generally may make such provisions and restrictions, whether relating to the matters aforesaid, or any of them, as he thinks fit for the protection of the public against the danger arising from the manufacture, sale, carriage, disposal, or storage of nitro glycerine.

If any person manufactures, sells, carries, or otherwise disposes of or has in his possession any nitro glycerine without a general or special licence in pursuance of this Act he shall be guilty of a

misdemeanor, and shall in the discretion of the Court be liable to be imprisoned, with or without hard labour, for any period not exceeding one year, or to pay a penalty not exceeding five hundred pounds. A.D. 1869.

The said Secretary of State may annex to the breach of the conditions of any licence granted by him any punishment or penalty, not being greater than the punishment or penalty to which a person manufacturing, selling, carrying, disposing of, or having in his possession any nitro glycerine without a general or special licence is made liable by this Act; and any pecuniary penalty so annexed may be recovered summarily if it does not exceed one hundred pounds.

Provided that no penalty shall be inflicted in pursuance of this Act on any carrier, wharfinger, or warehouseman who satisfies the court that after using all due precautions the nitro glycerine was carried by him or was in his possession without his knowledge.

Provisions as to persons having nitro glycerine in their possession at the commencement of the Act.

5. Every person having any nitro glycerine in his possession at the time at which this Act is passed shall give notice thereof in writing to the said Secretary of State, stating such particulars in relation to the quantity, storage, and otherwise as the said Secretary of State may require; and the said Secretary of State may thereupon make such order in respect to the disposal thereof as he thinks just.

Any person failing to give such notice as required by this section will be subject to the same punishment and penalty to which a person manufacturing, selling, carrying, disposing of, or having in his possession any nitro glycerine without a licence is made liable by this Act.

Search for nitro glycerine.

6. Nitro glycerine may be searched for in the same manner, under the same warrants, and subject to the same conditions in, under, and subject to which gunpowder may be searched for in pursuance of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and thirty-nine; and all the provisions of the said Act relating to searching for gunpowder are hereby incorporated with this Act, and shall for the purposes of this Act be construed as if the word "gunpowder" in such provisions included nitro glycerine as defined by this Act, and as if the Act therein referred to were this Act, and those provisions shall be construed to extend to nitro glycerine imported or sold contrary to this Act.

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CHAP. 114.

Railways and the Dissolution of Railway Companies

An Act to regulate the Abandonment of Railways and the Dissolution of Railway Companies. [29th July 1869.]

WHEREAS by the provisions of The Abandonment of Railways Act, 1850, as re-cited and amended by The Railway Companies (Dissolution) Act, 1867, any railway company may if their whole railway is authorized to be abandoned be wound up under The Companies Act, 1862; and doubts have arisen whether such company can be so wound up on the petition of a creditor or of any person except a shareholder, and it is expedient to remove such doubts and otherwise to amend the said Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the

1. This Act may be cited as The Abandonment of Railways

2. In this

in England, the Court of Chancery in Ireland, or the Court of Session in Scotland, according as the railway was authorized to be made in England, Ireland, or Scotland respectively.

3. This Act shall be construed as one, so far as it extends to Scotland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies (Scotland) Act, 1867," and so far as it extends to England or Ireland with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies Act, 1867," and those Acts are in this Act referred to as the principal Acts.

4. Where a warrant has been granted under the provisions of the

[Railways.—114.]

CHAP. 114.

An Act to amend the Law relating to the Abandonment of Railways and the Dissolution of Railway Companies. A.D. 1869.

[11th August 1869.]

WHEREAS by the provisions of The Abandonment of Railways Act, 1850, as revived and amended by The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, a railway company may if their whole railway is authorized to be abandoned be wound up under The Companies Act, 1862; and doubts have arisen whether such company can be so wound up on the petition of a creditor or of any person except a shareholder, and it is expedient to remove such doubts and otherwise to amend the said Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Abandonment of Railways Act, 1869.

Interpretation.

2. In this Act "the court" means the High Court of Chancery in England, the Court of Chancery in Ireland, or the Court of Session in Scotland, according as the railway was authorized to be made in England, Ireland, or Scotland respectively.

Construction of Act. 13 & 14 Vict. c. 83. 30 & 31 Vict. cc. 126, 127.

3. This Act shall be construed as one, so far as it extends to Scotland, with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies (Scotland) Act, 1867," and so far as it extends to England or Ireland with "The Abandonment of Railways Act, 1850," as amended by "The Railway Companies Act, 1867," and those Acts are in this Act referred to as the principal Acts.

Petition for winding up

4. Where a warrant has been granted under the principal Acts for the abandonment of the whole railway of any railway company

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of railway company may be presented under 25 & 26 Vict. c. 89. and 30 & 31 Vict. c. 131.

a petition for winding up the affairs of such company may be presented under The Companies Acts, 1862 and 1867, by the company, or by any person who under the last-mentioned Acts is authorized to present a petition for winding up a company, or by any person upon whose application the Board of Trade may proceed in pursuance of section thirty-two of The Railway Companies (Scotland) Act, 1867, and The Railway Companies Act, 1867, as the case may be, and for that purpose the railway company whose railway is so authorized to be abandoned shall be deemed to be an unregistered company which may be wound up under The Companies Acts, 1862 and 1867, and the provisions of the principal Acts which remain in force relating to winding up shall be construed as if The Companies Acts, 1862 and 1867, and the winding-up provided by this section, were therein referred to.

Application of deposit, &c.

5. If the warrant for the abandonment was made on condition that the money deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway, or for payment of money in default thereof, should be applied as part of the assets of the company, the court may, if it think fit, direct that such money, stocks, funds, and securities shall not be applicable for the payment of any debt or part of a debt which, regard being had to what is fair and reasonable as between all the parties interested under all the circumstances of the case, appears to the court to have been incurred on account of the promotion of the company.

Any person who provided such money or any part thereof, or who entered into such bond, may, subject to any directions or rules of the court, attend all proceedings under this section and other proceedings in the winding-up, and apply to the court to act under this section.

Transfer of deposit and assignment of bond.

6. Where the warrant for abandonment is made on condition that the money deposited as security for the completion of the railway, or the stocks, funds, or securities in which the same is invested, or the money secured by any bond conditioned for the completion of the railway or for payment of money in default thereof, shall be applied as part of the assets of the company, the following provisions shall have effect:

(1.) The court in which the company is being wound up may order such money, stocks, funds, or securities, or so much thereof as is required to be applied as assets of the company, to be paid, transferred, or delivered out to the official

liquidator, and unless the court is satisfied that the same or any part thereof are not required to be applied as assets, shall not order the same or any part thereof to be paid, transferred, or delivered out to any other person:

(2.) The Commissioners of Her Majesty's Treasury, upon the application of the official liquidator, made with the sanction of the court, may, if they think fit, assign the bond to the official liquidator, and upon such assignment the bond shall be deemed to have been entered into with the official liquidator in his official name, and with his successors in that office, and may, subject to the sanction of the court, be enforced accordingly:

(3.) Any bond so assigned may, after a sufficient sum has been paid thereunder as assets of the company, be cancelled by the court.

Saving for rights to residue of deposit.

7. Nothing in the principal Acts or in this Act shall affect any right to that part of the money deposited as security for the completion of the railway, or of the stocks, funds, or securities on which the same is invested, or of the money secured by any bond conditioned for the completion of the railway, which is not applied in payment of the debts and liabilities of the company, or required for that purpose.

Application for abandonment by judgment creditor.

8. Where a company, no part of the railway of which is open for traffic, has been required by any judgment or order of any court to pay a sum of money to any person or body corporate, and has made default in such payment, the Board of Trade may proceed under the principal Acts, upon the application of such person or body, in the same manner as if such person or body were mentioned in that behalf in the said section.

Notices under sect. 17 of 13 & 14 Vict. c. 83.

9. The notice given in pursuance of section seventeen of The Abandonment of Railways Act, 1850, may, where there is no secretary of the company, or no office of the company, require claims or demands to be sent to such person or to such place as the Board of Trade direct.

Repeal of winding-up sections of 13 & 14 Vict. c. 83.

10. Section twenty-nine of The Abandonment of Railways Act, 1850, from "and they shall accordingly" to the end of that section, and sections thirty, thirty-one, thirty-two, and thirty-three of The Abandonment of Railways Act, 1850, and so much of section thirty-one of The Railway Companies (Scotland) Act, 1867, and of The Railway Companies Act, 1867, respectively, as amends the said sections, are hereby repealed, without prejudice to anything

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already done thereunder; and all proceedings commenced in pursuance of those sections shall be continued under the provisions of this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
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CHAP. 115.

An Act for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District. A.D. 1869.

[11th August 1869.]

WHEREAS it is expedient to amend the law relating to hackney and stage carriages within the metropolitan police district:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Metropolitan Public Carriage Act, 1869." Short title.

2. The limits of this Act shall be the metropolitan police district, and the city of London and the liberties thereof. Limits of Act.

3. This Act shall not come into operation till the first of January one thousand eight hundred and seventy. Commencement of Act.

4. In this Act "stage carriage" shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road, or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein. Definition of stage carriage and hackney carriage.

"Hackney carriage" shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is not a stage carriage.

"Prescribed" shall mean "prescribed by order of one of Her Majesty's Principal Secretaries of State." Meaning of "prescribed."

5. A "stage carriage" which on every journey goes to or comes from some town or place beyond the limits of this Act shall not be deemed to be a carriage plying within the limits of this Act. Exemption of certain carriages from operations of Act.

Licensing Hackney and Stage Carriages.

Grant of hackney carriage licences.

6. One of Her Majesty's Principal Secretaries of State may from time to time license to ply for hire within the limits of this Act hackney and stage carriages, to be distinguished in such manner as he may by order prescribe.

Any licence in respect of a hackney or stage carriage under this section may be granted at such price, on such conditions, be in such form, be subject to revision or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject as follows:—

(1.) That a hackney or stage carriage licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, such uniform sum, not exceeding two pounds two shillings, as the said Secretary of State may prescribe:

(2.) That in any such order provision shall be made for the transfer of a hackney or stage carriage licence to the widow or to any child of full age of any person to whom a hackney or stage carriage licence has been granted who may die during the continuance of such licence leaving a widow or child of full age, and also for the transfer of a hackney or stage carriage licence to the husband of any woman to whom such licence has been granted and who marries during the continuance thereof.

Penalty on use of unlicensed carriage.

7. If any unlicensed hackney or stage carriage plies for hire, the owner of such carriage shall be liable to a penalty not exceeding five pounds for every day during which such unlicensed carriage plies. And if any unlicensed hackney carriage is found on any stand within the limits of this Act, the owner of such carriage shall be liable to a penalty not exceeding five pounds for each time it is so found. The driver also shall in every such case be liable to a like penalty unless he proves that he was ignorant of the fact of the carriage being an unlicensed carriage.

Any hackney or stage carriage plying for hire, and any hackney carriage found on any stand without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed by the said Secretary of State, shall be deemed to be an unlicensed carriage.

Licensing Drivers of Hackney and Stage Carriages.

Hackney carriage to be driven by licensed drivers.

8. No hackney carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a licence from the said Secretary of State, and no stage carriage shall ply for hire within the limits of this Act unless the conductor and driver of such carriage have respectively licences from the said Secretary of State. If any hackney or stage carriage plies for hire in contravention of this section, the person driving the same, and also the owner of such carriage, unless he proves, in the case of a hackney carriage, that the driver, and in the case of a stage carriage, that the conductor or driver, as the case may require, acted without his privity or consent, shall respectively be liable to a penalty not exceeding forty shillings.

A licence to the driver or conductor of a hackney or stage carriage may be granted at such price, on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject to this provision, that any such licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, such sum not exceeding five shillings as the said Secretary of State may prescribe. This clause shall not repeal the tenth section of an Act of the sixth and seventh years of the reign of Her present Majesty, chapter eighty-six.

Regulations relating to Hackney and Stage Carriages.

Regulations as to hackney and stage carriages.

9. The said Secretary of State may from time to time by order make regulations for all or any of the following purposes; that is to say,

(1.) For regulating the number of persons to be carried in any hackney or stage carriage, and in what manner such number is to be shown on such carriage, and how such hackney carriages are to be furnished or fitted:

(2.) For fixing the stands of hackney carriages, and the distances to which they may be compelled to take passengers, and the persons to attend at such stands:

(3.) For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages, and for securing the due publication of such fares; provided that it shall not be made compulsory on the driver of any hackney carriage to take passengers at a less fare than the fare payable at the time of the passing of this Act:

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(4.) For forming, in the case of hackney carriages, a table of distances, as evidence for the purpose of any fare to be charged by distance, by the preparation of a book, map, or plan, or any combination of a book, map, or plan:

(5.) For securing the safe custody and re-delivery of any property accidentally left in hackney or stage carriages and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time:

Subject to the following restrictions:—

(1.) In fixing the stands for hackney carriages within the city of London and the liberties thereof the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by the Secretary of State:

(2.) No hackney carriage shall be compelled to take any passenger a greater distance for any one drive than six miles:

(3.) During such portion of time between sunset and sunrise as is from time to time prescribed, no driver shall ply for hire unless the hackney carriage under his charge be provided with a lamp properly trimmed and lighted, and fixed outside the carriage in such manner as is prescribed.

This clause shall not repeal section thirteen of the Act of the fifth and sixth years of the reign of Her present Majesty, chapter seventy-nine, so far as regards existing carriages or any which may be built within one year after the passing of this Act.

Penalties for breach of regulations.

10. Where the Secretary of State is authorized to make any order under this Act, he may annex a penalty not exceeding forty shillings for the breach of such order or of any part or parts thereof, or of any regulation or regulations thereby made; and any penalties under this section shall be deemed to be penalties under this Act, and may be enforced accordingly.

Licences by whom to be granted.

11. Any licence grantable by a Secretary of State under this Act may, if the said Secretary of State so direct, be granted by the Commissioner of the Metropolitan Police, or by such other person as the said Secretary of State appoints for the purpose.

Powers to carry Act into execution.

12. The said Secretary of State may appoint such officers and constables of the metropolitan police force, and for the city of London of the city police, as he thinks fit to perform any duties required to be performed for the purposes of carrying this Act into execution, and may award such sums by way of compensation for their services out of the monies raised under this Act as he may think just.

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Recovery of penalties.

13. All penalties under this Act may be recovered summarily in the manner directed by the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, and any Act amending the same; and the term "justice" or "justice of the peace" shall include any metropolitan police magistrate sitting alone at a police court or other appointed place, and the Lord Mayor of the city of London or any alderman of the said city sitting alone or with others at the Mansion House or Guildhall.

Placard, &c. may be affixed to lamp post.

14. The Commissioner of the Metropolitan Police may cause to be attached to any lamp post any placard or signal for the purpose of carrying into effect the provisions of this Act.

Existing Acts to continue in force.

15. All the provisions of the Acts relating to hackney carriages and metropolitan stage carriages in force at the time of the commencement of this Act shall, subject to any alteration made therein by this Act or by any order or regulation of the said Secretary of State made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid, apply to licences granted under this Act.

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CHAP. 116.

An Act to amend "The Titles to Land Consolidation (Scotland) Act, 1868." [11th August 1869.]

A.D. 1869.

WHEREAS it is expedient to amend "The Titles to Land Consolidation (Scotland) Act, 1868:" Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

31 & 32 Vict. c. 101.

1. This Act may be cited for all purposes as "The Titles to Land Consolidation (Scotland) Amendment Act, 1869."

Short title.

2. Section twenty-two of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the twenty-second section of the recited Act, and the recited Act shall be read and construed as if the twenty-second section thereof had been originally expressed in the following words; viz.:—

Sect. 22 of recited Act repealed.

Assignations to unrecorded conveyances.

It shall be competent to any person having right to an unrecorded deed or conveyance, whether granted in favour of himself or originally granted in favour of another person, to assign the deed or conveyance in or as nearly as may be in the form No. 1 of Schedule (M.) to this Act annexed, setting forth the deed or conveyance, and the title or series of titles, if any, by which he acquired right to the same, and the nature of the right assigned; and the assignation, or, in the event of there being more than one, the successive assignations, may be recorded in the appropriate register of sasines along with the deed or conveyance itself, and a warrant of registration thereon, in or as nearly as may be in the form No. 2 of Schedule (H.) hereto annexed; and it shall be competent to write the assignation or assignations on the deed or conveyance itself, in or as nearly as may be in the form No. 2

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of Schedule (M.) hereto annexed, setting forth the deed or conveyance and the title or series of titles, if any, by which such person acquired right to the same, and the nature of the right assigned; in which case the assignation or assignations, and the deed or conveyance may be so recorded along with the warrant of registration thereon, which warrant shall be in or as nearly as may be in the form No. 1 of Schedule (H.) hereto annexed; and the deed or conveyance, with the warrant of registration, and the assignation or assignations, separate from the deed or conveyance, and those written upon the deed or conveyance, if any, and all similar assignations granted before the commencement of this Act being so recorded shall operate in favour of the assignee on whose behalf they are presented for registration as fully and effectually as if the lands contained in the assignation, or, if there be more than one in the last assignation, had been disponed by the original deed or conveyance in favour of such assignee, and the deed or conveyance with the warrant of registration had been recorded, in the manner herein-before provided, of the date of recording such deed, or conveyance and assignation or assignations; and all deeds or conveyances with a warrant of registration and assignation or assignations written thereon, or with an assignation or assignations separate therefrom, that may have been so recorded before the commencement of this Act, shall operate in favour of the assignees on whose behalf the same shall have been so recorded, as effectually as is herein-before provided in regard to a recorded deed, or conveyance, with a warrant of registration and assignation or assignations written thereon, notwithstanding that such assignation or assignations may not have been docqueted with reference to such warrant, or referred to therein as being so docqueted.

Sect. 24 of recited Act repealed.

3. Section twenty-four of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the twenty-fourth section of the recited Act, and the recited Act shall be read and construed as if the twenty-fourth section thereof had been originally expressed in the following words; viz. :—

Mode of completing title by a judicial factor on a trust estate, &c.

Where in a petition to the Court of Session for the appointment of a judicial factor authority has been or shall be asked for the completion of a title by such factor to any lands forming the whole or part of the estate to be managed by such judicial factor, or where a judicial factor has applied or shall apply, by petition or note to the said Court, for authority to complete a title to such lands, either in his

own person as judicial factor, or in the person of any pupil, minor, or lunatic to whom he may have been appointed judicial factor, and where any petition or note has specified and described or shall specify and describe the lands to which such title is to be completed, or has referred or shall refer to the description of the same, in the form, or as nearly as may be in the form, of Schedule (E.) hereto annexed, or of Schedule (G.) hereto annexed, as the case may be, the warrant granted for completing such title shall also so specify and describe the lands to which such title is to be completed, or shall so refer to the description thereof; and such warrant shall be held to be a conveyance in due and common form of the lands therein specified in favour of such judicial factor granted by the person, whether in life or deceased, whose estate is under judicial management, or where the estate is that of a pupil, minor, or lunatic, in whose person a title has not been made up, such warrant shall be held to be such a conveyance in favour of the pupil, minor, or lunatic, or of the judicial factor appointed to such pupil, minor, or lunatic, as the case may be, granted by a predecessor, or author having such title, or where such judicial factor has been or shall be appointed on an estate which shall have been vested in a trustee or former judicial factor, such warrant shall be held to be such a conveyance granted by such trustee or former factor, whether in life or deceased, for the purposes of such estate or trust, or factory to be holden in the case of lands not held by burgage tenure in the manner and to the effect and subject to the provisions enacted and provided in the sixth section of this Act in the case of conveyances in which no manner of holding is expressed, and in the case of lands held by burgage tenure to be holden of Her Majesty in free burgage; and such warrant may, with warrant of registration thereon, be recorded in the appropriate register of sasines as a conveyance in favour of such judicial factor, or pupil, minor, or lunatic, or of the factor on his estate, and being so recorded shall have the same force and effect as if at the date of such recording such conveyance had been granted to the judicial factor, or pupil, minor, or lunatic, or the judicial factor appointed to such pupil, minor, or lunatic, as the case may be, and recorded in the appropriate register of sasines: Provided always, that for enabling the person in whom such lands were last vested, or his representatives, or other parties interested, to bring forward competent objections against such warrant being granted, or claims upon the estate, the Court shall order such intimation and service of the petition or note as to them shall seem proper: Declaring always, that the whole enactments and

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provisions herein contained shall extend and apply to all petitions to and warrants by the Court of Session under "The Trusts (Scotland) Act, 1867," unless in so far as such provisions and enactments may be inapplicable to the form or objects of such petitions or warrants.

Sect. 62 of recited Act repealed.

4. Section sixty-two of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the sixty-second section of the recited Act, and the recited Act shall be read and construed as if the sixty-second section thereof had been originally expressed in the following words; viz.:—

Effect of a decree of adjudication or sale.

In all cases a decree of adjudication, whether for debt or in implement, or a decree of constitution and adjudication, whether for debt or in implement, or a decree of declarator and adjudication, or a decree of sale, if duly obtained in the form prescribed by this Act, or obtained, if prior to the commencement of this Act, in the form then in use, shall, except in the case where the subjects contained in the decree of adjudication or of constitution and adjudication are heritable securities, be held equivalent to and shall have the legal operation and effect of a conveyance in ordinary form of the lands therein contained granted in favour of the adjudger or purchaser by the ancestor of such apparent heir, or by the owner or seller of the lands adjudged or sold, although in nonage or of insane mind, to be holden in the case of lands not held by burgage tenure in the manner and to the effect and subject to the provisions enacted and provided by the sixth section of this Act in the case of conveyances in which no manner of holding is expressed, and to be holden of Her Majesty in free burgage in the case of lands held by burgage tenure; and it shall be lawful and competent to such adjudger or purchaser to complete feudal titles to said lands, not only by infeftment on such decree as a conveyance or unrecorded conveyance, as the case may be, in the manner provided by this Act, but also, when the lands are not held by burgage tenure, by obtaining from the superior charter of adjudication or of sale of said lands and expeding infeftment on such charter in common form or as a conveyance or unrecorded conveyance, as the case may be, in the manner provided by this Act, or where the ancestor of such apparent heir, or the owner or seller of the lands adjudged or sold, shall have been or shall be entered with his superior, or in a situation to charge such superior under the powers in this Act contained, to grant entry by confirmation, by taking infeftment on such decree as a conveyance or unrecorded conveyance, as the case may be, in the manner provided

by this Act, which infeftment shall, with such decree, be an effectual feudal investiture in the said lands in terms of such decree, holding base of the party whose lands are adjudged or sold, and his heirs, until confirmation thereof shall be granted by the superior of the lands in the same manner and to the same effect as if the party whose lands are sold or adjudged had granted a disposition of the lands to the adjudger or purchaser in the terms of the said decree, with an obligation to infeft a me vel de me to be completed by confirmation, and a precept of sasine, and the adjudger or purchaser had been infeft on such precept, and the effect of the charter or writ of confirmation of such decree or of the infeftment thus proceeding upon the same shall be to make the lands hold immediately of and under such superior; but the right of the superior to the composition payable by the adjudger or purchaser as due under the existing law is hereby reserved entire, and the adjudger or purchaser, by taking infeftment on any such decree in any of the modes above mentioned, shall become indebted in such composition to the superior, and shall be bound to pay the same on the superior tendering a charter or writ of confirmation, whether such charter or writ shall be accepted or not, and the superior shall be entitled to recover such composition as accords of law; and it is hereby provided that such infeftment on any such decree shall, without prejudice to any other diligence or procedure, be of itself sufficient to make the adjudication effectual in all questions of bankruptcy or diligence: Provided always, that where the investiture of any lands has imposed or shall impose a prohibition against sub-infeudation or alternative holding, such adjudger or purchaser shall, in respect of such recorded decree or notarial instrument, and notwithstanding any such prohibition, be deemed and taken to be duly infeft in the lands adjudged or sold as from the date of recording such decree or instrument, but without prejudice to the right of the superior to require such adjudger or purchaser to enter forthwith as accords of law, and to deal with such adjudger or purchaser as with a vassal unentered.

Sect. 97 of recited Act repealed.

5. Section ninety-seven of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the ninety-seventh section of the recited Act, and the recited Act shall be read and construed as if the ninety-seventh section thereof had been originally expressed in the following words; viz.:—

Subject superior may be compelled

Where any person is or shall be infeft in lands holden of a subject superior upon a conveyance or deed of or relating to such lands

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to grant entries by confirmation.

granted by or derived from the person last entered with the superior and infeft, or granted by or derived from a person whose own title to such lands is capable of being made public by confirmation according to the existing law and practice, which conveyance or deed shall contain an obligation to infeft a me, or a me vel de me, or shall contain a clause expressing the manner of holding to be a me, or a me vel de me, or shall imply that the manner of holding is a me, or a me vel de me, or upon any conveyance or deed which under this Act or any of the repealed Acts shall be equivalent to or have the effect of such a conveyance, it shall be lawful and competent for such person, upon production to the Lord Ordinary on the bills in the Court of Session of his infeftment, whether the same shall consist of such conveyance or deed itself with a warrant of registration thereon in his favour, recorded in the appropriate register of sasines, or of an instrument or instruments in his favour, applicable to such lands, following on such conveyance or deed, and recorded in the appropriate register of sasines and warrants of the same, and upon showing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant for letters of horning to charge the superior to grant in favour of such person a writ or charter of confirmation in the same way and form as is provided and in use for compelling entry by resignation: Provided always, that the charger shall at the same time pay or tender to such superior such duties or casualties as he is by law entitled to receive upon the entry of the charger, and that it shall be lawful for every such superior to show cause why he ought not to be compelled to give obedience to such charge by presenting a note of suspension to the Court of Session in the usual manner.

Sect. 118 of recited Act repealed.

6. Section one hundred and eighteen of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and eighteenth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and eighteenth section thereof had been originally expressed in the following words; viz.:—

Bonds and dispositions in security may be granted in the form No. 1 of Schedule (FF.)

From and after the commencement of this Act it shall be lawful and competent for any person entitled to grant an heritable security by way of bond and disposition in security to grant the same in the form or as nearly as may be in the form No. 1 of Schedule (FF.) hereto annexed; and the registration in the appropriate register of sasines of such bond and disposition in security, or of any bond

and disposition in security, granted according to any of the forms competent, or in use prior to the commencement of this Act, shall be as effectual and operative to all intents and purposes as if such bond and disposition in security had contained, in the case of lands not held by burgage tenure an obligation to infeft a me vel de me, procuratory of resignation and precept of sasine, and in the case of lands held by burgage tenure an obligation to infeft more burgi and a procuratory of resignation, all in the words and form in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, and as if sasine or resignation and sasine, as the case may be, had been duly made, accepted, and given thereon in favour of the original creditor, and an instrument of sasine, or of resignation and sasine, as the case may be, in favour of such creditor had been duly recorded in the appropriate register of sasines of the date of the registration of the said bond and disposition in security as aforesaid.

Sect. 119 of recited Act repealed.

7. Section one hundred and nineteen of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and nineteenth section of the recited Act, and the recited Act shall be read and construed as if the one hundred and nineteenth section thereof had been originally expressed in the following words; viz.:—

Explanation of clauses in Schedule (FF.) No. 1.

The import of the clauses of the form of No. 1 of the said Schedule (FF.) occurring in any bond and disposition in security, whether granted before or after the commencement of this Act, shall be as follows, videlicet, the clause obliging the grantor to pay the amount due under the bond, principal, interest, and penalty to the creditor, his heirs, executors, or assignees, shall, unless where executors are excluded, be held to import an obligation to pay the same to the creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion, to the creditor and his heirs and assignees, the clause disponing the lands to such creditor and his foresaids heritably shall, unless where executors are excluded, be held to import a disposition of such lands to such creditor and his representatives in mobilibus and his assignees, and where there is or shall be such exclusion to such creditor and his heirs and assignees in security, in manner specified in the bond and disposition in security, with all the rights and powers at present competent to a creditor and his heirs under such a security, the clause of assignation of rents shall be held to import an assignation to the creditor and his representatives in mobilibus or his heirs, as the case may be, and to his assignees, to the rents to

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become due or payable from and after the date from which interest on the sum in the security commences to run, in the fuller form generally in use prior to the thirtieth day of September one thousand eight hundred and forty-seven, including therein a power to the creditor and his foresaids to insure all buildings against loss by fire, and on default in payment to enter into possession of the lands disponed in security, and uplift the rents thereof, or to uplift the rents thereof if the lands are not disponed in security, and to make all necessary repairs on the buildings, subject to accounting to the debtor for any balance of rents actually recovered beyond what is necessary for payment to such creditor and his foresaids of the sums, principal, interest, and penalty, due to him or them under such security, and of all expenses incurred by him or them in reference to such possession, including the expenses of management, insurance, and repairs; and the clause of assignation of writs shall be held to import an assignation to the creditor and his foresaids to writs and evidents to the same effect as in the fuller form generally in use in a bond and disposition in security, with power of sale, prior to the thirtieth day of September one thousand eight hundred and forty-seven; and the clause of warrandice shall be held to import absolute warrandice as regards the lands and the title-deeds thereof, and warrandice from fact and deed as regards the rents; and clause consenting to registration for preservation and execution shall have the meaning and effect assigned to such clause in the one hundred and thirty-eighth section of this Act;

Clauses reserving right of redemption and of obligation to pay expense of assignation or discharge and power of sale valid, &c.

the clauses reserving right of redemption and obliging the grantor to pay the expenses of assigning or discharging the security, and, on default in payment, granting power of sale, shall have the same import, and shall be in all respects as valid, effectual, and operative as if it had been in such bond and disposition in security specially provided and declared that the lands and others thereby disponed should be redeemable by the grantor from the grantee, at the term and place of payment, or at any term of Whitsunday or Martinmas thereafter, upon premonition of three months, to be made by the grantor to the grantee personally, or at his dwelling place, if within Scotland, and if furth thereof at the time, then at the office of the Keeper of the Record of Edictal Citations within the General Register House, Edinburgh, in presence of a notary public and witnesses; and that by payment to him of the whole principal sum payable under the bond and disposition in security, interest due thereon, and liquidated expenses, and termly failures corresponding thereto, if incurred; and in case of

his absence or refusal to receive the same, by consignation thereof in the bank specified in the security, if any bank shall be so specified, and if not, then in one or other of the banks in Scotland incorporated by Act of Parliament or Royal Charter, having an office or branch at the place of payment; to be made furthcoming on the peril of the consigner; the place of redemption to be within the office of such bank or branch thereof; and as if it had been thereby further provided and declared that any discharge and renunciation, disposition and assignation, or other deed necessary to be granted by the grantee upon the grantor making payment and redeeming as aforesaid, and also the recording thereof, should always be at the expense of the grantor; and as if it had been thereby further provided and declarcd, that if the grantor should fail to make payment of the sums that should be due by the personal obligation contained in the said bond and deposition in security, within three months after a demand of payment intimated to the grantor, whether of full age or in pupillarity or minority, or although subject to any legal incapacity, personally or at his dwelling place if within Scotland, or if furth thereof at the office of the keeper of the Record of Edictal Citations above mentioned, in presence of a notary public and witnesses, and which demand for payment may be in or as nearly as may be in the form of No. 2 of Schedule (FF.) hereto annexed, and a copy thereof certified by such notary public in the form of No. 3 of Schedule (FF.) hereto annexed, or where such demand has been intimated to more persons than one, a copy so certified of the demand intimated to one of such persons, with a certificate by such notary public that a similar demand has been intimated to the other persons, and stating the names and designations of such persons and the dates and places of intimation to them, shall be sufficient evidence of such demand, then and in that case it should be lawful to, and in the power of, the grantee, immediately after the expiration of the said three months, and without any other intimation or process at law, to sell and dispose, in whole or in lots, of the said lands and others, by public roup at Edinburgh or Glasgow, or at the head burgh of the county within which the said lands and others, or the chief part thereof, are situated, or at the burgh or town sending or contributing to send a member to Parliament, or at the burgh or town which may have previously adopted "The General Police and Improvement (Scotland) Act, 1862," or part thereof, which, whether within or without the county, shall be nearest to such lands or the chief part thereof, on previous advertisement, stating

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the time and place of sale, and published once weekly for at least six weeks subsequent to the expiry of the said three months, in any newspaper published in Edinburgh or in Glasgow, and in every case in a newspaper published in the county in which such lands are situated, or if there be no newspaper published in such county, then in any newspaper published in the next or a neighbouring county, and a certificate by the publishers of such newspapers for the time shall be primâ facie evidence of such advertisement, the grantee being always bound, upon payment of the price, to hold count and reckoning with the grantor for the same, after deduction of the principal sum secured, interest due thereon, and liquidated penalties corresponding to both which may be incurred, and all expenses attending the sale; and for that end to enter into articles of roup, to grant dispositions containing all usual and necessary clauses, and in particular a clause binding the grantor of the said bond and disposition in security, in absolute warrandice of such dispositions, and obliging him to corroborate and confirm the same, and to grant all other deeds and securities requisite and necessary by the laws of Scotland for rendering such sale or sales effectual, in the same manner and as amply in every respect as the grantor could do himself; and as if it had been thereby further provided and declared that the said proceedings should all be valid and effectual, whether the debtor in the said bond and disposition in security for the time should be of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity, and that such sale or sales should be equally good to the purchaser or purchasers as if the grantor himself had made them, and also that in carrying such sale or sales into execution it should be lawful to the grantee to prorogate and adjourn the day of sale from time to time as he should think proper, previous advertisement of such adjourned day of sale being given in the newspapers above mentioned once weekly for at least three weeks; and as if the grantor had bound and obliged himself to ratify, approve of, and confirm any sale or sales that should be made in consequence thereof, and to grant absolute and irredeemable dispositions of the lands and others so to be sold to the purchaser, and to execute and deliver all other deeds and writings necessary for rendering their rights complete.

Sect. 130 of recited Act repealed.

8. Section one hundred and thirty of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and thirtieth section of the recited Act, and the recited Act shall be read and

construed as if the one hundred and thirtieth section thereof had been originally expressed in the following words; viz.:—

Unregistered security or assignation to be available to executors, &c. of grantee.

In the event of an heritable security from which executors shall not have been excluded, dated before or after the commencement of this Act, not being constituted by infeftment during the lifetime of the grantee, or of any assignation, dated before or after the commencement of this Act, of a security from which executors shall not have been excluded, but which has been constituted by infeftment, not being completed by infeftment during the lifetime of the assignee, and where such grantee or assignee shall be in life at, or at any time subsequent to, the commencement of this Act, such security or assignation shall form a warrant for an instrument in the form or as nearly as may be in the form of Schedule (MM.) hereto annexed, under the hands of a notary public, being passed upon the same in favour of the executors of the creditor, duly confirmed, whether the same be executors nominate or executors dative, or in favour of the disponees or assignees of such security, or of the moveable estate of such creditor under any deed or conveyance inter vivos or mortis causa, or in favour of any legatees of such security; and where such executors or disponees or assignees, being more than one, shall not be entitled to such security wholly for their own beneficial interest, it shall be competent to take such notarial instrument in favour of such executors or disponees or assignees, and the survivors or survivor of them, unless such a destination be expressly excluded by the terms of the conveyance or deed or writing; and where executors shall be excluded from such security, or the creditor has died before the commencement of this Act, the security or assignation, as the case may be, shall form a warrant for a notarial instrument as aforesaid, in favour of any disponees or assignees or legatees of such security, or of the heritable estate of such creditor under any deed or conveyance by him inter vivos or mortis causa, or under any testamentary deed or writing by him within the meaning of the twentieth section of this Act, or in favour of the heirs of such creditor having right to the security by decree of general or special service as heir to such creditor; and on such instrument being recorded in the appropriate register of sasines, the executors or disponees, or assignees or legatees or heirs, as the case may be, in whose favour such instrument is expede, shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the original creditor himself.

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Sect. 141 of recited Act repealed.

9. Section one hundred and forty-one of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the one hundred and forty-first section of the recited Act, and the recited Act shall be read and construed as if the one hundred and forty-first section thereof had been originally expressed in the following words; viz.:—

All deeds, &c. recorded in register of sasines to have warrants of registration endorsed, except certain burgage deeds.

All conveyances and deeds, and all writings whatsoever which may be recorded in any register of sasines, shall, previous to being presented for registration, have a warrant of registration endorsed or written thereon in or as nearly as may be in such one or other of the forms of warrants of registration contained in the following schedules hereto annexed, viz. Schedule (F.) No. 2, and Schedule (H.) Nos. 1, 2, and 3, as may be applicable to the particular conveyance, deed, or writing so to be presented, which warrant shall in every case specify the person or persons on whose behalf the conveyance, deed, or writing is presented for registration, and in the case of lands not held by burgage tenure the register or registers of the county or counties, and in the case of lands held by burgage tenure the register or registers of the burgh or burghs in which the lands to which such conveyance or deed or writing has reference are situated, and shall be signed by such person or persons, or by his or their agent or agents, and in the latter case the warrant may be signed either by an individual agent or by the subscription of any firm of which such agent may be a partner: Provided always, that nothing herein contained shall render it necessary to have a warrant of registration endorsed or written upon any conveyance, deed, or writing of or relating to lands held by burgage tenure which according to the existing law or practice may be recorded in any burgh register without such warrant: Provided always, that where registration has been or shall be made in any particular register of sasines, it shall be sufficient that such register is specified in the warrant of registration without any specification of a county or counties.

Amended sections to form part of recited Act.

10. The amended sections herein-before enacted shall be held to form part of the recited Act, and may hereafter be printed as forming portions thereof, in place of the several sections hereby repealed.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1869.

CHAP. 117.

An Act to amend "The Pharmacy Act, 1868." A.D. 1869.

[11th August 1869.]

WHEREAS it is expedient to amend the provisions of the Pharmacy Act, 1868, in regard to duly qualified medical practitioners and veterinary surgeons, and in other respects: 31 & 32 Vict. c. 121

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reserving rights of certain persons.

1. Nothing contained in the first fifteen sections of the recited Act shall affect any person who has been registered as a legally qualified medical practitioner before the passing of this Act; and the said clauses shall not apply to any person who may hereafter be registered as a legally qualified practitioner, and who, in order to obtain his diploma for such registration, shall have passed an examination in pharmacy; nor shall the said clauses prevent any person who is a member of the Royal College of Veterinary Surgeons of Great Britain, or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland, from dispensing medicines for animals under his care.

Period within which certificates under section 4. of recited Act to be produced to registrar.

2. The time within which certificates may be produced to the registrar under section four of the said Act, by persons employed as assistants before the passing of the said Act, shall be extended to the thirty-first day of December one thousand eight hundred and sixty-nine, and the certificates given under the same section according to Schedule (A.) of this Act shall be sufficient.

Excepting medicine supplied by a legally qualified medical man.

3. Nothing contained in section seventeen of the said recited Act shall apply to any medicine supplied by a legally qualified medical practitioner to his patient or dispensed by any person registered under the said Act, provided such medicine be distinctly labelled with the name and address of the seller, and the ingredients

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thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose.

Section 23 and Schedule (E.) repealed.

4. Section 23 and Schedule (E.) of the said recited Act are hereby repealed.

Schedule F. amended.

5. Schedule (F.) of the said recited Act is hereby altered by substituting for the second column headed "Name of Purchaser" a column headed "Name and Address of Purchaser."

SCHEDULE (A.)

Declarations to be signed by and on behalf of any Assistant claiming to be registered under the Pharmacy Act, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I hereby declare that the undersigned
residing at in the county of
had for three years before the thirty-first day of July one thousand eight hundred and sixty-eight been employed in dispensing and compounding prescriptions as an assistant to a pharmaceutical chemist or chemist and druggist, and attained the age of twenty-one years.

As witness my hand this day of
186 .

A.B. Qualified medical practitioner.
C.D. Pharmaceutical chemist.
E.F. Chemist and druggist.
G.H. Magistrate.

To be signed by one of the four parties named.

I hereby declare that I was an assistant to
of in the county of
in the year , and was for three years before the thirty-first day of July one thousand eight hundred and sixty-eight actually engaged in dispensing and compounding prescriptions, and that I had attained the full age of twenty-one years at the above-named date.

N.O. Assistant.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1869.

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